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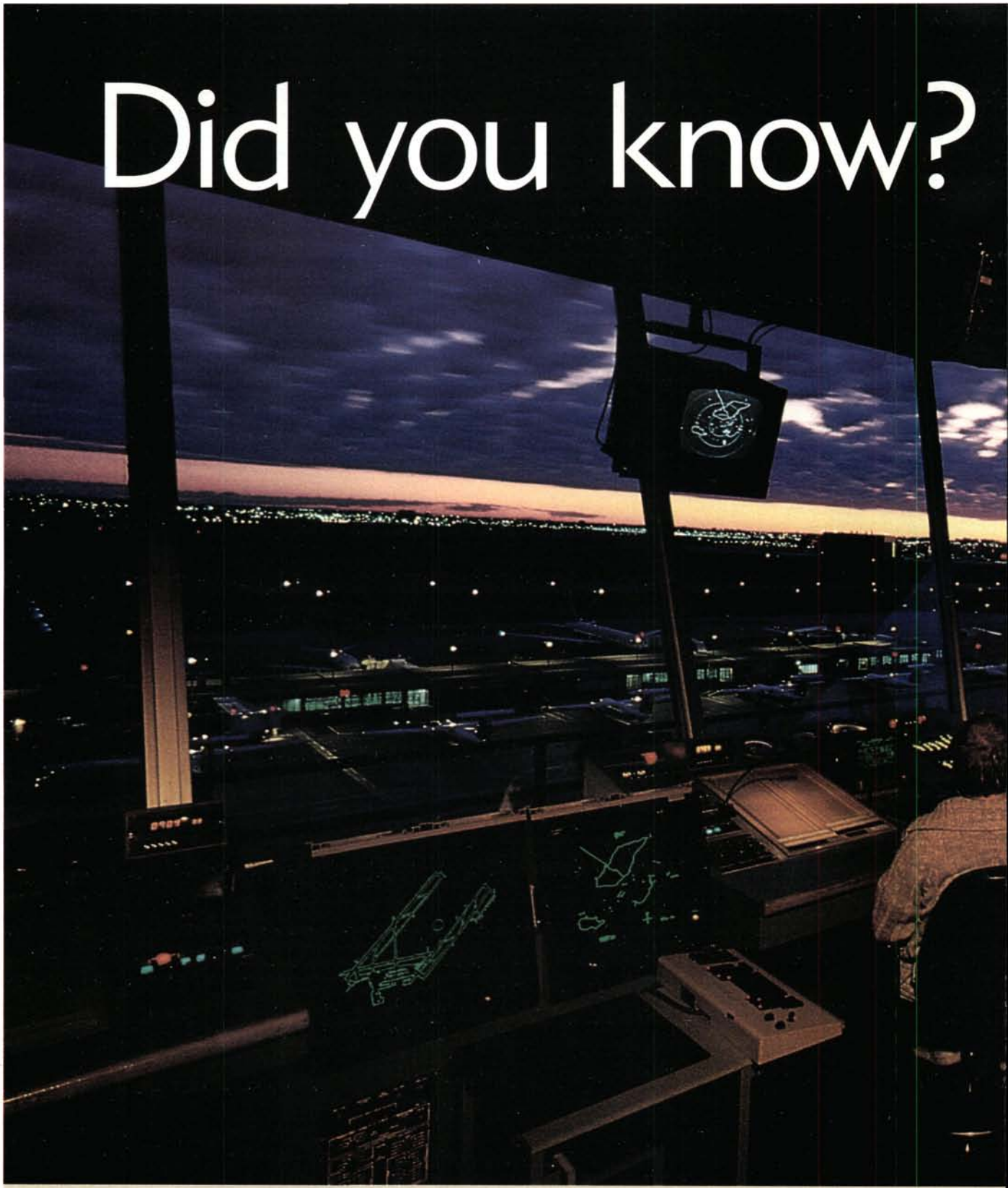

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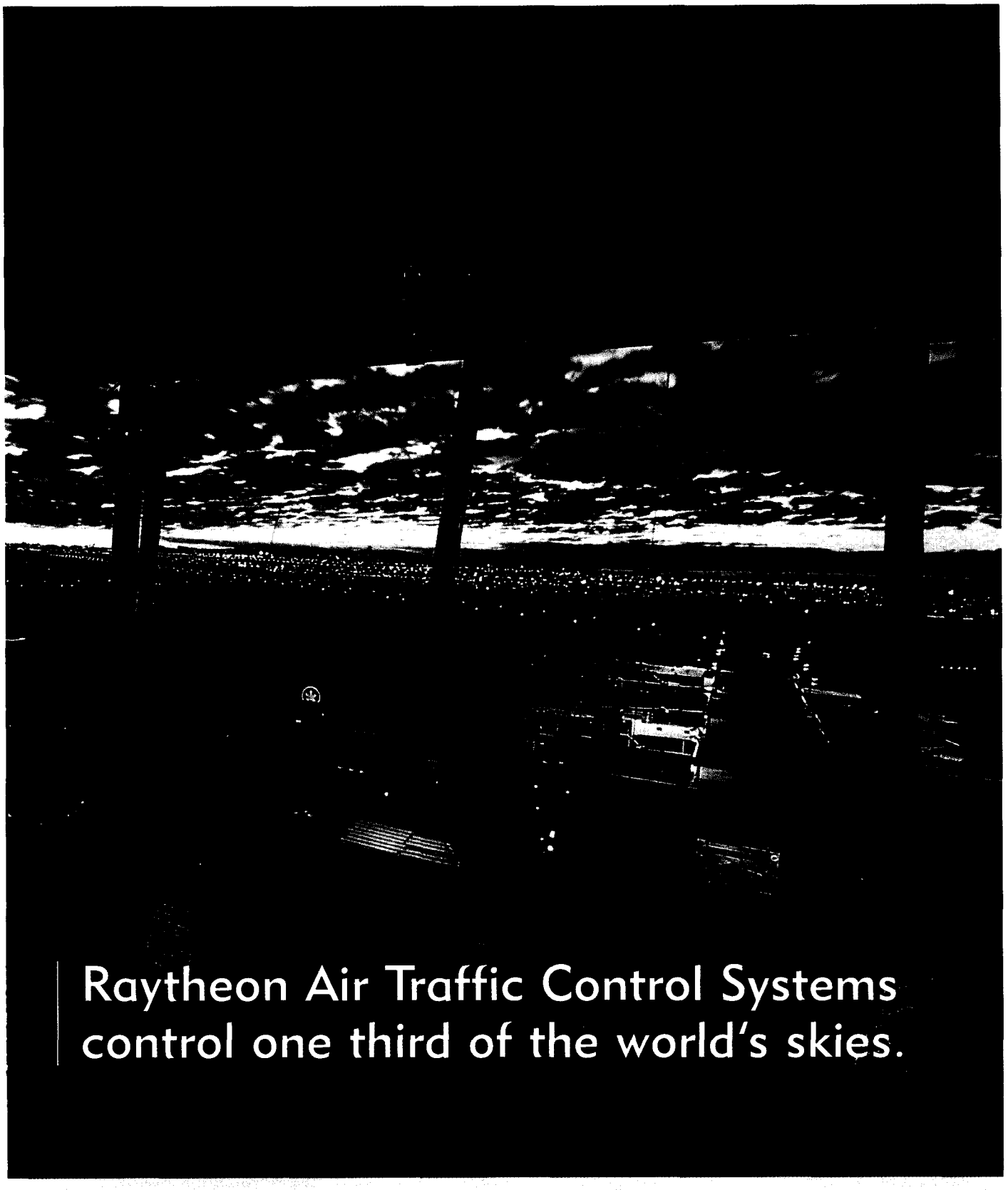

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NATIONAL REVIEW

MAY 15, 1995 VOL. XLVII, NO. 9

Cover Story

46 ***Blowing in the Wind***
If flip-flops were a martial art, notes **Harold Johnson**, then Pete Wilson's moves on everything from taxes to affirmative action would make him a ninja of a candidate.

Articles

24 ***On the Scene***
Rich Lowry watches Bob Dole morph into Ronald Reagan. . . . **Lawrence A. Uzzell** explains the Catholic siege of a Moscow cathedral. . . . **Lawrence Kudlow** sneaks a peek at the upcoming Republican tax package.

32 ***War on the Poor***
The Legal Services Corporation—sold to the American people as a means of bringing legal help to the poor—has been from its inception, reports **Rael Jean Isaac**, a nest of radical lawyers who use the poor and then toss them aside. Whether it survives will be a key test of the seriousness of congressional Republicans.

51 ***Good Morning Vietnam***
William McGurn visits Vietnam twenty years after the U.S. withdrawal, finding that a different sort of American invasion may yet save it.

55 ***Trial by Firestorm***
In the early days of the new Congress, Christina Jeffrey was quickly deappointed as House Historian amid charges of anti-Semitism and Nazi sympathies. **Tracy Lee Simmons** uncovers the truth about her past, and learns the Speaker's current thoughts on the case.

58 ***Congress and the Exclusionary Rule***
Robert E. Bauman and **Morgan O. Reynolds** debate one of our most controversial checks on law enforcement, soon up for consideration in the Senate.

Books, Arts & Manners

63 Is evolution a Just So Story? **John Polkinghorne** faces down *Darwin's Dangerous Idea* and its author, Daniel C. Dennett. . . . **Richard Brookhiser** reads Thomas Paine's *Collected Writings* and John Keane's *Tom Paine*, and recalls a major Paine in the Revolution. . . . In *The Fall of the Asante Empire*, reports **George MacDonald Fraser**, Robert B. Edgerton evokes an imperialist power with a taste for slave-trading—not a European imperialist power but an African one. . . . **Maggie Gallagher** explores the special world of sexual liberals, as detailed in Nadine Strossen's *Defending Pornography*. . . . **John Simon** flies on *Wings of Courage* and roams the Highlands with *Rob Roy*. . . . Second thoughts on Bach from **Ralph de Toledano**; plus: what's a *zarzuela*? . . . Go shopping with **Digby Anderson**, if you dare.

80 ***The Gimlet Eye***
The grass is always greener, notes **Andrew Ferguson**, but who really gives a damn?

Sections

4 ***Letters***
8 ***From the Editor***
10 ***For the Record***
12 ***The Week***
30 ***Random Walk***
60 hel
62 ***Letter from Al***
73 ***Books in Brief***
77 ***Trans-O-Gram***
78 ***On the Right***

Cover illustration by Roman Genn

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Letters

Dropping the Bomb

I read Michael B. King's response to Hiroshima revisionists ["Shock Treatment," Apr. 3] with interest and strong agreement. Permit me to add two items of additional support.

First, a view from those who fought the Japanese in the Philippines. In August 1945, I was in a tent hospital ward on Leyte, along with perhaps thirty other officers who had been wounded fighting Japanese soldiers who never surrendered, even when completely out of ammunition. When we heard of the Hiroshima bomb, the quick consensus in the ward was that this would shorten the war by perhaps a year because we would not have to fight for the cities. It never occurred to any of us that the Japanese would surrender. As a lieutenant in parachute troops already twice wounded, I had long assumed that I was very unlikely to finish the war alive. When they surrendered, I felt like that guy on death row to whom the governor sent a reprieve. For at least a year, I just gloried in the sheer pleasure of being alive. Ever since, I have gratefully figured I was on borrowed time.

Second, a view from a Japanese professor of philosophy who lived in Tokyo during the war, and who I believe would prefer to be anonymous. At that time, one of the most pressing public discussions in the U.S. was the question: Why did we not do a demonstration of the bomb in some uninhabited place? So I asked him his opinion. His reply: It would not have worked, because the Japanese military would never have allowed it to be publicized. They were training high-school boys to make night attacks on the American soldiers with sharpened bamboo sticks. They assumed they would prevail on the home front, where the Japanese fighting spirit and greater numbers could overcome U.S. material superiority. The Hiroshima bomb was not reported in any of the media. Yet, in three days all Japan knew by word of mouth that the Americans had a single bomb so terrible it would destroy a city. That widespread public knowledge and the terror it inspired was what made it possible for the Emperor to "endure the unendurable" and surrender. Westerners must recognize that Japan had had a thousand years of feudalism that had ended less than a century before. Westerners cannot imagine how horrible it was for any Japanese to contemplate surrender, let alone the military with their proud Bushido tradition. Only the Emperor could break the mold and he could do so only with his country facing an utterly unprecedented situation.

If the great majority of Japanese and Americans are not as grateful for the Hiroshima decision as I and my Japanese philosophy professor, then they do not understand the nature of the world we were in when that decision was made, nor the far more terrible consequences that would otherwise have come about.

Robert E. Burt
Sacramento, Calif.

Michael King may have made a case that, as a *practical* matter, it was right to drop atomic bombs on Hiroshima and Nagasaki, but his self-described "might-have-beens" certainly do not demonstrate the *ethical* correctness of the bombings. He justifies the A-bombs primarily in terms of advantages to the side that dropped them, factors that seem relevant only under a most plastic and self-serving form of moral relativism. Although he also refers to possible Japanese lives saved, it comes across as the kind of body-count utilitarianism that gives utilitarian ethics an undeserved bad name.

Most disturbing was his slighting reference to ethics "based on the most naïve reading of the Sermon on the Mount." While the facts of the Bible stories do not have to be taken literally for most of their message to come through, the same can hardly be said of their morals. If you do not accept the ethical teachings of the Sermon on the Mount rather absolutely, it seems to me that you are not accepting them at all. History appears to show that there is a persistent distinction between good war policy and pure, undiluted ethics. Why don't we just admit it?

John A. Humbach
Pace University
White Plains, N.Y.

In an otherwise well-stated exposition of why we dropped the bombs, Michael King comes up short in the explanation for why a demonstration drop was not made. The first reason he gives is that a demonstration drop might have been a flop, which "would only strengthen the die-hards." If there was no shortage of bombs or the capacity to make them in a relatively short time, the response is: Let's do it again tomorrow because there's lots more where that one came from.

Mr. King states that even if the bomb had worked, it might have failed to impress Japan's warlords. The response: Okay, we did the right thing, now we go to Plan B.

The third reason Mr. King gives is a variant of his second. Since the bomb would have been dropped in a rural area, the Japanese military wouldn't have been impressed because they had already seen their cities destroyed by conventional bombing. If blowing up several square miles of forest with one bomb wouldn't have impressed the Japanese leadership because they had seen it all before, why would blowing up the cities themselves have any greater effect? In any case, there's still Plan B.

Whether the demonstration would have worked or not, assuming we had a ready supply of bombs or the quick capacity to make them, what would have been the down side? The worst case would have been for the Japanese to dare us to use the bomb against home-island targets. We know how that would have turned out, but we will never know whether the demonstration would have worked.

William P. Rudland
Westlake, Ohio

"More trouble, Senator—the Republicans have gained control of the bathrooms."

Editor's note: Letters of 300 words or less have a greater chance of being published.

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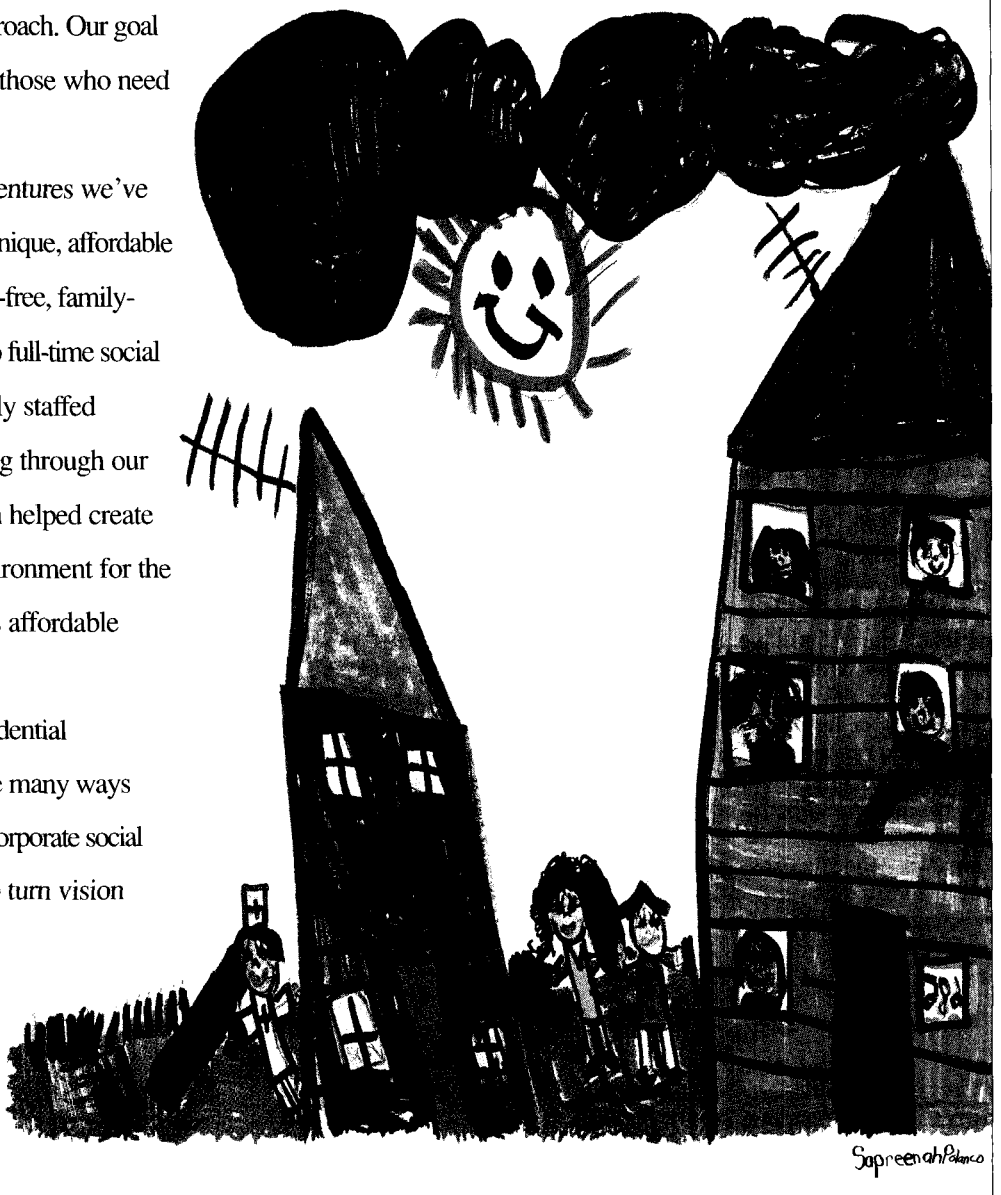

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I disagree with Mr. Rudland's assumption that Plan A's failure could have been separated from Plan B's prospects for success. In mid 1945, Japan was gripped by a "collective psychosis." Had a demonstration failed to impress, any second effort against a "real" target would still have been a second *effort without the same psychological impact. Given the need to awaken Japan from its sleepwalk to disaster, President Truman was right to forgo a warning shot.*

Professor Humbach misapprehends my argument. Japan was *the principal beneficiary, as upwards of 20 million Japanese would have perished had the war continued into the winter of 1946, and the saving of these lives is central to my defense of the ethical correctness of the atomic bombings. Any responsible ethic should give weight to consequences, as well as purity of heart. In 1945, continued war would have meant a human catastrophe too terrible to risk.* —MK

Saving Gay Babies

Stephen Meyer and David DeWolf's proposal to outlaw third-trimester abortions and all sex-selective abortions is a great idea ["Fetal Position," Mar. 20]. Here's how to make it even better: outlaw abortions carried out because of a child's sexual orientation. You could not find a more ironic overture: A Republican-dominated Congress could provide gays and lesbians the most fundamental assurance of their welfare.

The Pro-Life Alliance of Gays and Lesbians (PLAGAL) has consistently reminded our brothers and sisters that it is only a matter of time before scientists find genetic markers for a predisposition to homosexuality. When that happens, couples uncomfortable with the prospect of raising a gay or lesbian child will be free to do away with "flawed" children before they are born. Tragically, the gay community's compulsive support of abortion on demand will have enabled the machinery of our own genocide. Consistent with its pro-life sentiments and principles, the new Congress can provide the means to prevent our extermination.

Philip Arcidi
President, PLAGAL
Washington, D.C.

No Conservative DNA

NATIONAL REVIEW has long served a vital role in shaping opinion within the conservative movement, so I was surprised and disappointed to read your "Party Animals" ["The Week," Apr. 17] promoting the incipient presidential candidacy of former Pennsylvania governor Robert Casey as a plausible "option" for conservatives. I know of few conservative activists in Pennsylvania who would agree with your assessment. Mr. Casey has been consistently pro-life. Beyond this, however, his conservative credentials are modest.

Governor Casey presided over the worst financial crisis in Pennsylvania's history. His solution: the largest tax increase in state history, coupled with a 13 per cent increase in state spending. Pennsylvania now has the highest state business taxes in America, and the Casey administration fought a bitter rear-guard action to block legislative efforts to make the state's tax climate more competitive. No supply-side conservative can find comfort in the dismal Casey tax-and-spend record.

Advocates of deregulation and the property-rights movement will find little to cheer in Casey's tenure, when the state's environmental bureaucracy embarked on a rampage of red tape. Populist supporters of education reform will recoil at the record of Casey's Education Department, which produced the prototype for the education establishment's premier bureaucratic grotesquerie: outcome-based education.

In short, Mr. Casey is—apart from his principled opposition to abortion—a paleoliberal Democrat, free of conservative DNA. That NATIONAL REVIEW could assess his (now abandoned) candidacy favorably is a remarkable specimen of wishful thinking.

Phil English
U.S. House of Representatives
Washington, D.C.

Who's to Blame?

David Blankenhorn's "Pay, Papa, Pay" [Apr. 3] was right on target. Child support cannot compensate for the absence of fathers. Not only do married men contribute far more economically to their families than do unmarried or divorced fathers (even those who pay child support), but they give more of themselves to their families. The disastrous increase in fatherless households over the last thirty years is due primarily to our society's devaluation of marriage. Only the institution of marriage can guarantee the presence of the father in the family.

The solution to this unhappy situation, as Mr. Blankenhorn points out, will not be found in putting the Federal Government in charge of enforcing child-support payments. He is correct when he concludes that our society has only two choices: fatherhood and fatherlessness. The way to choose fatherhood is for society to reject the false premise of feminism (which attempts to make fathers extraneous to families) and to strengthen the institution of marriage by encouraging a more traditional morality that rejects licentiousness, illegitimacy, and divorce.

Mary R. Schneider
Cleveland, Ohio

Enjoying Life

I found Andrew Ferguson's "Cigars . . . Cigarettes" [Feb. 20] amusing, as the subjects of his piece failed to enjoy one of life's pleasures in a fine after-dinner cigar, because of years of conditioning by the "Health Nazis." As a baby-boomer myself, I have witnessed assaults on tobacco use, gender roles, and especially manliness.

The Eighties were the years when popular culture was hellbent on eliminating all differences between the sexes. I happen to appreciate those differences, especially as a career chief petty officer in an ever more feminized Navy, and cigar smoking is one of the few remaining uniquely manly pastimes. Whether you are alone, or in the company of other men discussing the important issues—women. work, and world events—over a drink, a cigar is a tribute to your labor and the accomplishments of manhood.

Smoking a cigar is therapeutic, as it encourages relaxation and reflection on life's true blessings: the knowledge that there is a God wiser and greater than I, the love of an affectionate and virtuous lady, a son with a sound moral compass, American citizenship (go overseas and judge for yourself), meaningful work, a few trustworthy friends, and a thick, bloody steak washed down with a hearty red wine.

On occasion, after a glorious meal with my family, I'll sit out on the front porch with a glass of Guinness, light up a cigar, and—never having lived in Washington, D.C., or in Arkansas—I inhale its richness and reflect on my blessings. My wife, Lynne, will wrinkle her nose in disapproval, but she sits on my lap and kisses me nonetheless. Life doesn't get any better than that. Yes indeed, Mr. Ferguson, I'll have one of those Churchills if you have one handy. And I'll pour us a couple of brandies.

Michael J. Anderson
U.S.S. Shenandoah (AD-44)

Pithy Poetry

It seems only fair that pithy poetry like W. H. von Dreele's "Waiting for Mr. Right" [Apr. 3] receive plentiful praise for humor, insight, timeliness, and artistry. Kudos to von Dreele, I say! Good deeds, good art, and mirthful chuckles should be rewarded.

Robert Blevitt
Los Osos, Calif.

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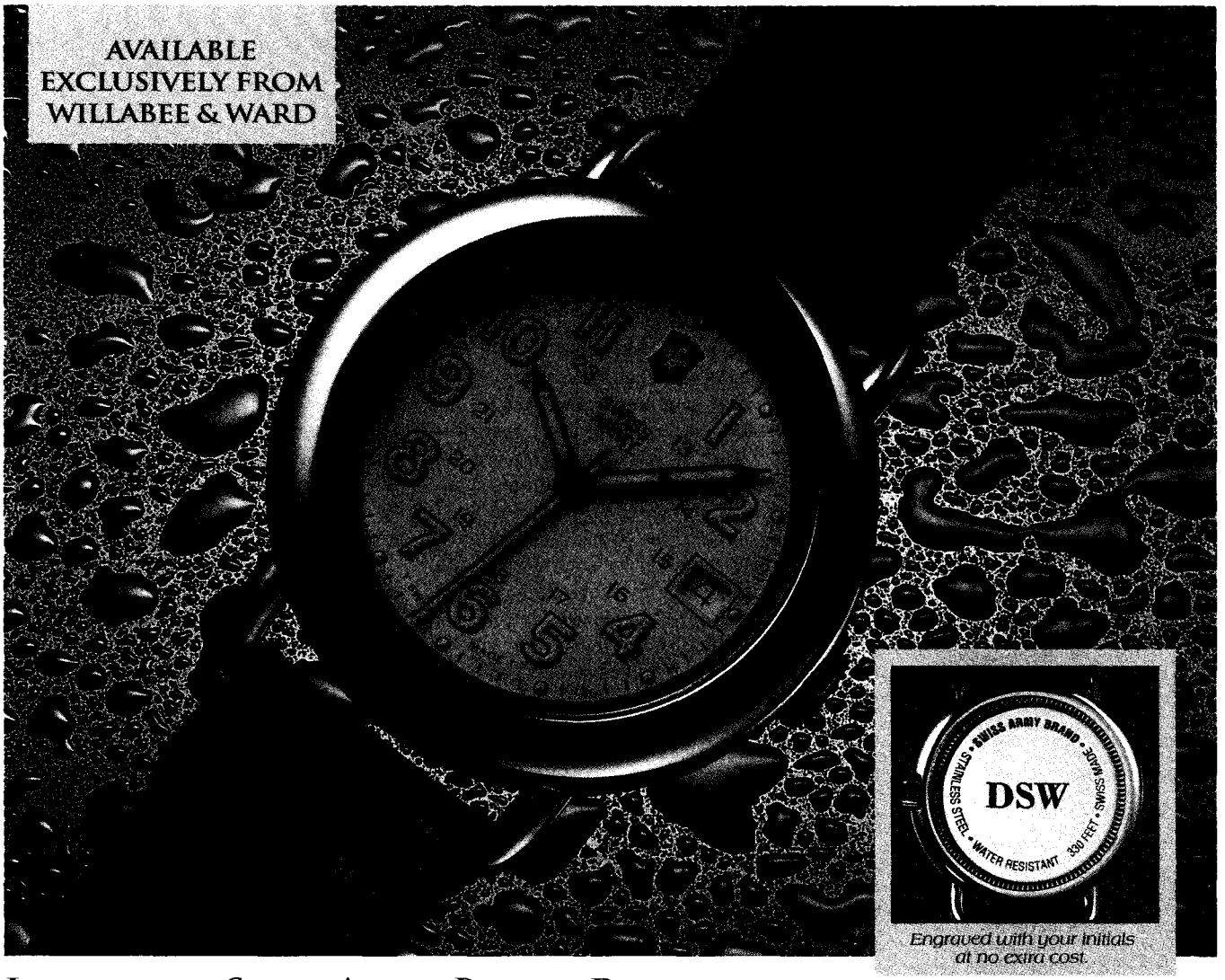

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FROM THE EDITOR

Thoughts of Iniquity

■ About the massacre in Oklahoma there is only one thing worth saying, namely, that it is the vilest possible crime, committed by people who have fallen into deep wickedness, and who should be executed as soon as they have been tried and convicted. Until they have been tried and convicted, however, any comments we make are inevitably speculative and may look silly within a few days. The original assumption that the criminals were Mideastern terrorists was not itself unreasonable; the World Trade Center had been bombed by such people, and terrorist groups in that region are the people most experienced in planting large car bombs.

Next time a massive car bomb explodes—and there will, alas, be a next time—the pundits will be careful not to hazard a guess that Hezbollah is responsible. Yet the Oklahoma massacre—which has alerted such groups both to the vulnerability of the heartland and to the impact such an outrage makes—has made it more likely that they will be the perpetrators of some future bombing.

The apparent connection with voluntary militias, however, has turned the attention of pundits to the bogey of right-wing anti-government terrorists. This is, of course, extremely congenial to the liberal mind. And we have heard hints that the Oklahoma bombing is the natural culmination of attacks on government from Ronald Reagan, Newt Gingrich, et al. To this all one can say is a) that it is disgraceful, and b) that since Ronald Reagan first denounced large government around 1961, it has taken a long time for his message to filter out to the extremists.

In any case, the suggestion is that because some violent and wicked people believe that the Federal Government is too intrusive and occasionally oppressive, then to express similar ideas in reasoned terms is to be an ally in criminal lunacy.

To be sure, some anti-government agitation borders on hysteria. But so does some liberal comment on that agitation. And as Peter Viereck said of the liberal reaction to McCarthyism: "I am against hysteria, but I am also against hysteria about hysteria."

■ A second theme has been the suggestion that the massacre in Oklahoma in some way justifies the Federal Government's handling of Waco. This suggestion appeals to our prejudices with a loose set of emotional associations: Those who carried out this monstrous crime were motivated by the deaths at Waco; therefore to care about the deaths at Waco is in some sense to sympathize with such demented criminals or even to justify the massacre.

It goes without saying that whatever the motive, murder is always wrong, and indiscriminate murder is especially wrong. And how could Waco conceivably be avenged by a bomb which certainly killed innocent children and which may not have harmed a single person connected with the government's decisions at Waco?

By the same token, however, using an indiscriminate force that causes the death of innocent people is also wrong—even in a legitimate cause. Less wrong, perhaps, but still wrong.

NATIONAL REVIEW did not take this view of Waco in the immediate aftermath. We defended the government's action and the tragic outcome that is always possible when lawful force has to be used against terrorism.

The more we learned of Waco, however, the more we thought that some official misconduct had occurred which called for a full investigation and perhaps punishment.

Such concerns never led to anything because neither the media nor the general public felt any sympathy for cult members like the Branch Davidians. It would be a pity if Waco were now to be permanently forgotten because no one wants to express concern about an outrage that may have also stirred the people who carried out the Oklahoma mass murders. —JOHN O'SULLIVAN

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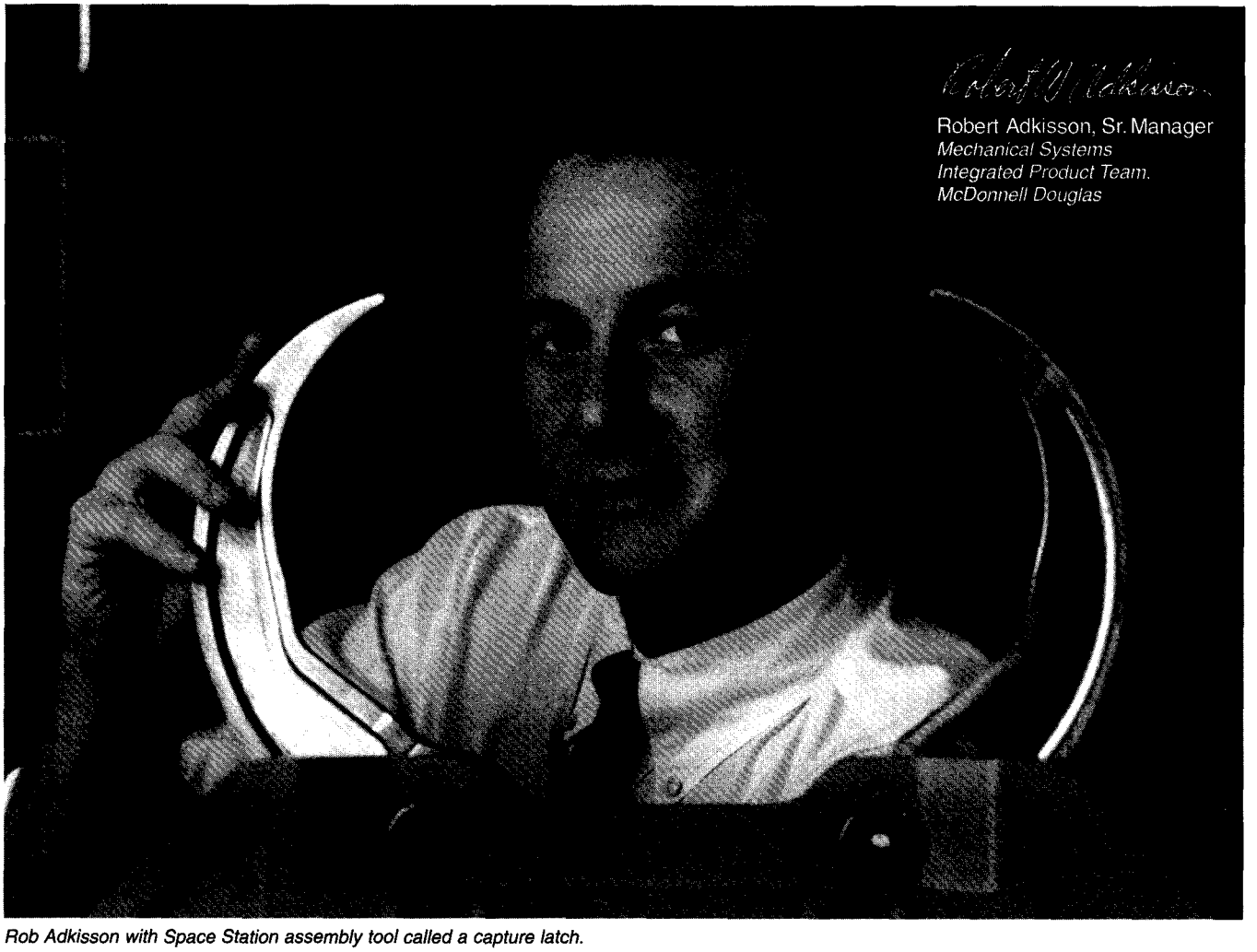

Rob Adkisson with Space Station assembly tool called a capture latch.

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"My team at McDonnell Douglas is responsible for building tools that'll attach segments of the Space Station together. Many of us on the team grew up in the Apollo era; and ever since, we've dreamed of working on something as significant as a moon landing. For me, the Space Station has that kind of significance. We're creating a place in space. And for years, scientists will use it for experiments that can't be done on Earth. That's something."

Houston, Texas
In early April, the International Space Station team successfully completed the Incremental Design Review. This annual review provides a disciplined engineering and management audit to ensure the integrity of the station design as it matures.

Huntsville, Alabama
Boeing has completed structural manufacturing of the U.S. Node Structural Test Article (Node 2) and is now welding Connecting Node 1, which will be orbited in 1997.

Carpinteria, California
Astro Aerospace Corporation, a subcontractor to McDonnell Douglas, is manufacturing flight hardware for the Mobile Transporter. The primary structure is currently being machined and the flight brakes have been delivered. The Mobile Transporter will carry payloads along the face of the Space Station's truss.

BOEING

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FOR THE RECORD

■ Did **Bill Clinton**'s presidential role during Oklahoma City tragedy help him politically? Yes, says columnist **Bob Novak**, but not enough to affect election, still 18 months away. In any case, it doesn't solve basic problems like choosing which political guru to go with. D.C. all abuzz about latest entry into Clinton's inner circle of campaign consultants—GOP consultant **Richard Morris,** who has worked in past with conservative stalwarts like Sen. **Trent Lott** (R., Miss.). Does this suggest sharp turn to Right by Clinton in '96? . . . Media speculation also on again about possible bid by Sen. **William Bradley** (D., N.J.) to oppose Prez. . . . On GOP side, **Bob Dole** and **Phil Gramm** jockeying for position in nomination process frontloaded with early primaries in critical states. Gramm's campaign advisor, **Charles Black,** sees Iowa and New Hampshire going to Dole but Gramm getting much larger blocks of delegates in Arizona, Louisiana, South Carolina, Georgia, and Texas. Black adds: "We'll have the de facto nominee" as early as California primary (March 26) and "The conservative in the California primary always wins." . . . But Gramm's recent meeting with two influential religious conservatives—Family Research Council's **Gary Bauer** and Focus on Family's **James Dobson**—was a disaster. Gramm reportedly told both men that social issues were not particularly important to his agenda . . . **Pat Buchanan** gloating after unexpected victory over Gramm in Arizona Republican Assembly straw poll. Gramm supporters dismiss vote by saying group is one of few GOP outfits that joined Buchanan in opposing NAFTA trade bill with Mexico. Buchanan also won 66 per cent in straw poll by California State Sovereignty Coalition, a **Perot** group.

■ Despite focus on presidential drive, GOP leaders keeping eye on '96 Senate races. Announcement of retirement by Clinton's strongest Whitewater defender, Sen. **David Pryor** (D., Ark.), means five Democratic incumbents from states with significant GOP strength have now said they won't run again—others being **Paul Simon** (Ill.), **Howell Heflin** (Ala.), **James Exon** (Neb.), and **J. Bennett Johnson** (La.). Early speculation about GOP candidate for Pryor seat is attractive conservative Lt. Gov. **Mike Hauckabee,** who won current job in upset victory in 1993.

■ *U.S. News & World Report* columnist **Michael Barone** says public support for GOP Contract, despite media's overwhelmingly negative coverage of **Newt Gingrich** and House's first 100 days, means "people are not fools. They know that advertisers want you to buy their products and that reporters, when they write their story, want you to vote for Democratic candidates." Barone's comment prompted by study of media coverage of 100 days by **Robert Lichter**'s Center for Media and Public Affairs. Center rated networks and reporters as follows; positive evaluation of 100 days: NBC's *Nightly News,* 24 per cent; ABC's *World News Tonight,* 27 per cent; CBS's *Evening News*, 35 per cent. Reporters who were most negative about 100 days: NBC's **Lisa Myers**, 80 per cent; ABC's **John Cochran**, 77 per cent; CBS's **Bob Scheiffer**, 74 per cent. . . . Reporting on recent panel—"Why America Hates the Press"—at American Society of Magazine Editors conference, columnist **John Leo** says conservatives are wrong to think liberal bias is the major problem with media. Leo says a December '94 *New Yorker* piece on media trend toward "casual cruelty" is having wide impact and quoted its author, **Adam Gopnik**: "The most distinctive thing to emerge in the American media recently has not been cynicism at all but a kind of weird, free-form nastiness—spleen without purpose, greyness with an attitude."

"I'm sorry, Senator, but no. This ceremony must be on the record."

■ New York Conservative Party holding National Affairs Conference, May 20, in New York City. Speakers include **Larry Kudlow** (economics), **John Fund** (term limits), **Grover Norquist** (national GOP politics), **Jeanne Allen** (education). For details call 718-921-2158.

■ Paris has placed remains of Nobel Prize winner and radium-discoverer **Marie Curie** among "France's immortals" in Pantheon. She is first woman to receive the honor. . . . China hands are saying Pres. **Jiang Zemin**'s anti-corruption campaign seems directed at potential rivals in contest to succeed ailing Paramount Leader **Deng Xiaoping**. . . . And Singapore's speedy trial and hanging of Filipina maid **Flor Contemplacion** on questionable murder conviction turning into diplomatic black eye. Philippines has recalled ambassador, as other Asian nations protest; meanwhile *New York Times*'s **William Safire** blasting Singapore's bullying of Western press. . . . Push for European unity gets another setback as Bank of England governor **Eddie George** says "Reality is sinking in"—common currency is now three or four more years off.

■ **Alan Keyes**, whose moral-values, pro-life oratory has brought audiences at Republican presidential candidate forums to their feet, gaining unexpected support. "Alan Keyes is less mean than Gramm, more clear than Dole, and more intellectually honest than Buchanan, and I hope he wins," says Rev. **Jesse Jackson**.

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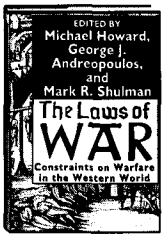
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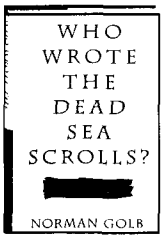

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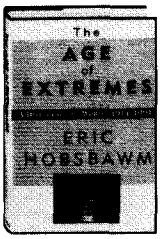

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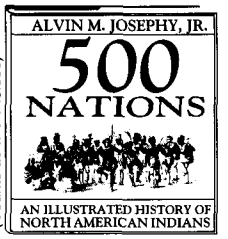

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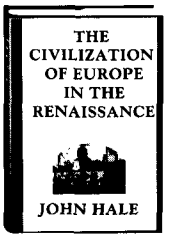

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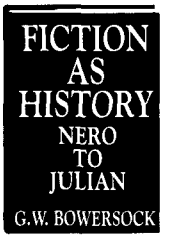

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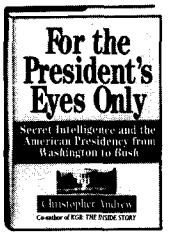
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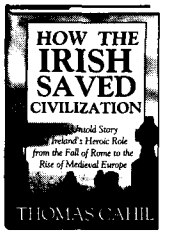

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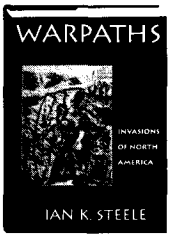

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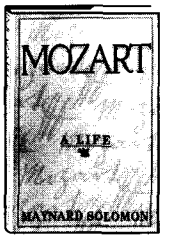

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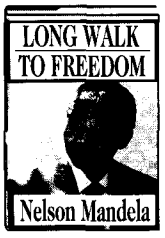

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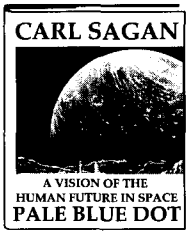

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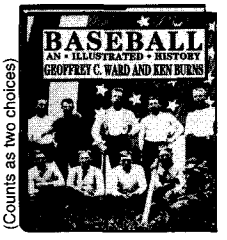

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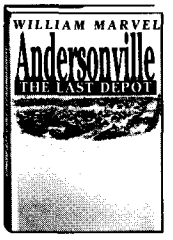

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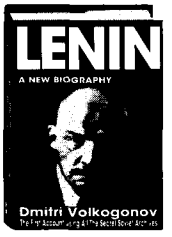

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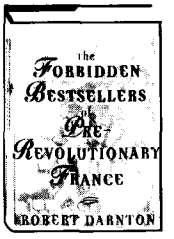

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THE WEEK

■ In Clintonspeak, hence, by trickle-down theory, in mediaspeak, those who question big government or even some feature of big government are "opposed to government." This of course includes the Founding Fathers, not to mention *NR* and an electoral majority.

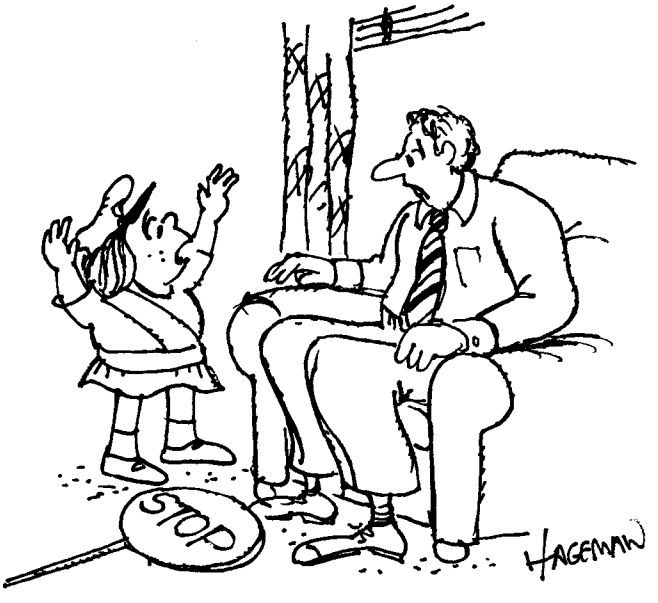
■ Secretary of Labor Robert Reich, one of the last clean Clinton appointees, is acquiring a few ethical spots. Early in the year he set up a "central oversight group" for Department of Labor offices, including the Bureau of Labor Statistics (BLS), to monitor the Contract with America. This immediately set off alarm bells for Joint Economic Committee Republicans concerned about civil servants being turned to political ends, especially at the politically independent BLS. Reich responded to inquiries by denying there was any "memorandum to anyone on this subject." But the *Washington Times* then turned up Labor memos instructing the oversight group to write responses "to each of the recommendations from Heritage Foundation, Cato, or any other Republican group," "to each of the Republican budget recommendations," etc., etc. All of which prompted a House subcommittee to probe the oversight group (shut down in February) and investigate whether Reich withheld information from Congress. The Labor Department says the group just helped the secretary prepare testimony. The memos? They were just "working papers." Is work in violation of the Hatch Act covered by the minimum wage?

■ The GOP's march against affirmative action looks more like a stroll. The Constitution Subcommittee of the House Judiciary Committee held April hearings in which Democrats ran roughshod over conservative witnesses with little objection from Republicans. In fact, between the morning's first and second panel every Republican except the chairman, Representative Charles Canady (Fla.), left to attend to more pressing business (picking up that day's delivery of ice? doing a talk-radio show on "sweeping change" in Congress?). Hearings can be powerful educators. Punting them to Democrats is no small thing. Meanwhile, Senate Majority Leader Bob Dole seems to prefer denouncing racial preferences in announcement speeches to attacking them in legislation (though he did move swiftly to create a staff-level affirmative-action working group—Deval Patrick, the Clinton Administration's foremost defender of quotas, must be quaking). At least Mr. Canady is set to introduce a bill modeled after the California Civil Rights Initiative in the House, and Phil Gramm will gladly fill any holes left by Dole in the Senate. But affirmative action will be a sure-fire GOP issue only if Republicans—from the leadership to the rank-and-file—actually fire.

■ Mr. Clinton held a press conference to say that he was relevant. We are not making this up.

■ David Pryor (Ark.) is the fifth Senate Democrat to announce he will retire in 1996. More announcements may be on the way—Claiborne Pell (R.I.) and Sam Nunn (Ga.) are top candidates—as the Democrats' hopes for retaking the Senate dim. Four of the retiring Democrats, including Pryor, hail from states (Alabama, Arkansas, Louisiana, Nebraska) where most yellow dogs now have a better chance of getting elected than a Democrat. Couple that with the fact that Democrats lost all six races last year in which their incumbent had stepped aside, and a filibuster-proof GOP majority becomes conceivable.

■ Some D.C. lawyers recently received thanks for responding to the race/ethnic information request on the bar's annual registration form. Except . . . "There appears to be some misunderstanding as to what was meant by the 'Native American' category. We were trying to identify persons who are American Indian, Eskimo or Aleut. . . . Given the relatively large number of members who checked the 'Native American' category, we believe some may have misunderstood the request." In other words, some native Americans naïvely checked the Native American category, not realizing that some Americans are more native than others. Just another reason why the natives are restless.



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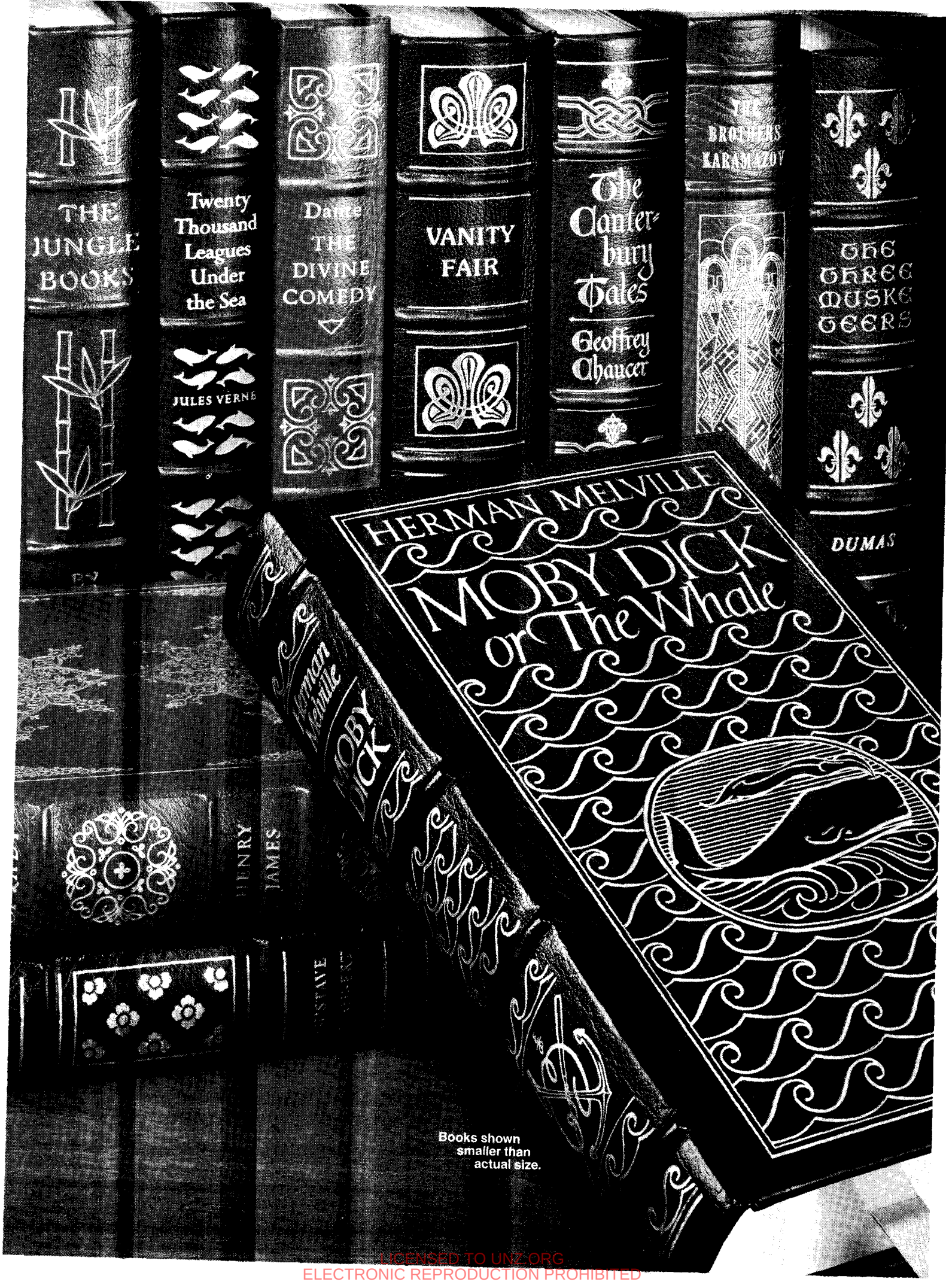

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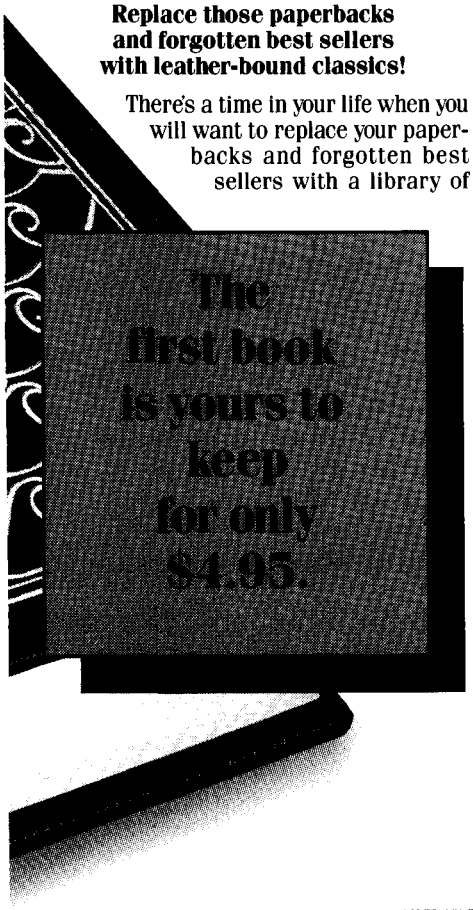

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■ Lawrence Uzzell's piece on Catholics in Moscow, listed on the contents page, was held over in favor of Alan Bock's piece on the militias, p.24.

■ Phil Gramm has compared himself to Churchill, but wasn't Churchill's first language English?

■ We shull faht own thuh bitches, we shull faht own thuh laneding grouns, we shull faht in thuh feels un in thuh streets, we shull faht in thuh hayills; we shull *nay*ver surrenner.

■ A California judge has ruled that a gun manufacturer can be sued for making the semiautomatic pistol that a man with a grudge against attorneys used in killing eight people and wounding six in San Francisco two years ago. The Center to Prevent Handgun Violence, which brought the suit on behalf of the victims and their families, argues that the TEC-DC-9 has "no legitimate purpose"; hence the manufacturer should have foreseen that it "would be used to kill or injure innocent people in a violent criminal act." Unless it would be used to kill or injure criminals in an act of self-defense. Or to shoot targets. Or to ornament a mantel. By the way, what purpose do California judges serve?

■ The Supreme Court has unanimously overturned a federal law that for sixty years stopped brewers from telling beer drinkers the alcohol content of their products. The Adolph Coors Co. successfully argued that the ban, ostensibly intended to prevent "strength wars," violated the First Amendment. But the victory may backfire. Wait until the FDA finds out that brewers "manipulate" alcohol levels.

■ Belgian prosecutors have asked parliament to lift the immunity of Willy Claes and two other former cabinet ministers so they can be questioned in a burgeoning bribery scandal concerning a 1988 purchase of Italian helicopters. Claes was Belgium's economics minister at the time. Today, regrettably, he is NATO's secretary general, hastily selected last October after his predecessor's death from cancer. Loss of his parliamentary immunity in Belgium should lead to his loss of diplomatic immunity and to his resignation as secretary general. Claes was an appalling choice for that post. In the 1980s he opposed Belgian implementation of NATO's decision to deploy Pershing and cruise missiles; his government refused to participate in the Gulf War and even rejected British requests to purchase munitions. The Clinton Administration's acquiescence in the rise of Claes was symptomatic of its obliviousness to the importance of the Alliance. At the end of March, it was still obtusely proclaiming support for him. Next time, it should insist on a candidate who is actually pro-NATO.

■ The scene: the recent Preparatory Conference for the UN's upcoming Fourth World Conference on Women, to be held in Peking. The issue: the definition of "gender" in the Platform for Action. The players on one side: the UN secretariat, the U.S., Canada, and the European Union, all fighting tooth and nail to redefine the term to encompass five "genders": male, female, homosexual, bisexual, and transsexual. Their rationale: "gender" is "socially constructed" and not related to "sex or biology." On the other side: shocked delegates of Southern nations. Their rationale: God made Adam and Eve, and people really are men and women (their tastes notwithstanding). The battle's current status: a stand-off, with a planned month-long Conference on Gender to settle the fight. The State Department's marching orders: fight for the change—five genders are better than two. Predictions: a win for the North, in part because cash-strapped Third World delegations will be unable to stay for the duration of the May confab. Some interesting tidbits: liberal battle-axe Bella Abzug is to coordinate lobbying efforts of outside groups, and Hillary Clinton will head the U.S. delegation to Peking. A final thought: has Warren Christopher been watching too much *Geraldo*?

■ Press accounts of former Defense Secretary Robert McNamara's *In Retrospect* favor a telling formulation: McNamara "admits he was wrong about Vietnam." Not "decides," or "asserts," but "admits"—as if the error of American intervention were established fact. Considering McNamara's (and the media's) flagellant tone, a better verb might be "keens."

■ The Borough of Manhattan Community College has established the Ho Chi Minh Scholarship Fund in honor of the late, great agrarian reformer, and the Assata Shakur Scholarship Fund in honor of a lady slave-named Joanne Chesimard, who served humanity by offing a pig. Students need a 2.0 GPA to qualify for the $500 scholarships, and all is well.

■ Gerald B. H. Solomon (R., N.Y.), chairman of the

Senator Dole's Moment

Like Dorothy, who squashed the witch,
  Then snitched her ruby shoes
As manic Munchkins sang and danced,
  Undoubtedly on booze,
Bob Dole has been directed toward
  The Emerald City, though
This isn't 1938,
  And Phil Gramm ain't Toto.

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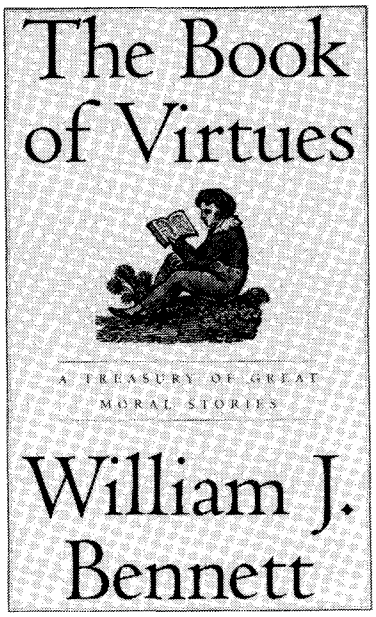

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>
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House Rules Committee, is not worried about critics of the war on drugs: "Legalization was jettisoned with Joycelyn [Elders] and is not coming back." Just in case, though, Solomon has introduced a bill that would deny tax-exempt status to nonprofit organizations "which promote the legalization of certain drugs." Solomon cited the Cato Institute, the Drug Policy Foundation, and the National Organization for the Reform of Marijuana Laws. His bill would presumably also target the Reason Foundation, the Ludwig von Mises Institute, the Lindesmith Center, the Religious Coalition for a Moral Drug Policy, and any other educational, scientific, literary, or religious organization that disagrees with Mr. Solomon about drug prohibition. "Seedy" people involved with such "sinister" groups, he said, seek not only to "justify their self-centered and self-indulgent lifestyles" but also "to influence young people to try and use drugs." Hence, the wisdom of Solomon: "Our tax law needs to more accurately reflect the American people's tolerance level for this type of activity." And if the punitive taxation of unpopular ideas catches on, we can dispense with arguments and evidence entirely. That should make politicians like Mr. Solomon more comfortable.

■ In a recent *New York Times* op-ed piece, Jon McMillan, "a city planner who writes frequently about urban affairs," asks why fires are more common in the United States than in Japan, Germany, and France. "Surely this is because in the U.S. fires are not really considered anyone's fault," Mr. McMillan writes. "They are usually 'accidental.' " By contrast, enlightened countries "impose severe penalties no matter how unintentional a fire is. . . . Strict penalties for careless fires deter you from smoking in bed, leaving pans on the stove, or overloading electric circuitry." In other words, people may be prepared to risk their property, their lives, and their loved ones through reckless behavior, but the prospect of a legal penalty will make them think twice. There are some things that only a city planner could believe.

■ Some bureaucrat, almost surely the same who invented child-proof medicine bottles nobody can open, has invented the child-proof cigarette lighter. Actually, the new lighters do work if you give them several minutes of intense concentration. This is likely to get you killed if you're driving, but you shouldn't smoke and drive at the same time anyway, and who cares if you die for a federal regulation—you're just a smoker.

■ Gennifer Flowers did not invent the genre of presidential pornography; that was the work of the folks who first told the tale of Thomas Jefferson and Sally Hemings. Her new book, *Passion and Betrayal*, is firmly in the tradition. What is politically relevant is her repetition of the charge that Bill Clinton paid for an abortion—as relevant, if true, as the fact that Chief Justice Roger B. Taney, who wrote the *Dred Scott* decision, owned slaves. Many non-slaveowners colluded in the extension of slavery, just as many judges and politicians who were never involved in an abortion have defended *Roe* v. *Wade*. But one of the evil effects of evils is that they entrench themselves through personal experience. When what is permitted becomes common practice, the category of "personally involved" becomes larger than that of "personally opposed."

■ Dolores O'Riordan, of the Cranberries, joins Sinead O'Connor in the small pantheon of lady Irish rock singers, but she has a different view of abortion. She told *Rolling Stone*: "Every time a woman has an abortion, it just crushes her self-esteem, smaller and smaller and smaller." Oh yes, and Miss O'Riordan has hair.

■ In Metairie, Louisiana, giant rats are devouring the swamps. Of course, the rats are really "nutrias," a 10-pound South American rodent introduced to the region by a farmer in 1937. And the swamps are really "wetlands," which means they too should be treated reverently. So what's a girl to do? Peggy Poche, a Metairie resident, wanted to float poisoned sweet potatoes on little rafts down the canals, but the plan was scrapped as being too macabre. They've decided to use sharpshooters instead.

■ Will the last Democrat to retire from the U.S. Senate please turn out the lights?

The Flatter the Better

While liberals circle the wagons
  And President Clinton gets off
An SOS flare from the White House
  As Harvard economists cough,
The pressure is building to bury
  The tax they imposed in '13,
When savings still gushed like a geyser
  And stomachers still stole a scene.

W. H. VON DREELE

With Morbid Ideals

THOUGH there have been many serious novels about criminals, there have been almost none about bombers. The vileness of the act resists even artistic understanding. A police inspector in Joseph Conrad's *The Secret Agent*, which is one of the exceptions, explains the difficulty: "The first term of the problem was unreadable—lacked all suggestion but that of atrocious cruelty." He "gave a thought of regret

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to the world of thieves—sane, without morbid ideals . . . free from all taint of hate and despair." Thus the current British term for non-terrorist offenders in Northern Ireland is ODC—ordinary decent criminal.

But even the most atrocious cruelty has a human nexus. After a few days of preliminary speculation that the Oklahoma City blast was the work of Middle Eastern terrorists, it became clear that the murderers were what might be called anarchist right-wingers. FBI . . . SEEKS LINKS TO FAR RIGHT, headlined the *New York Times*, while some opportunistic commentators sought to implicate the Right more generally. "I don't know how to phrase it," said an official of the leftist Southern Poverty Law Center (who, in fact, knew exactly how to phrase it), "but I think [the bombers and their ilk] are heartened by how much mainstream citizens seem to be voicing the same thing." A similar statement, with a rising inflection at the end, was tossed at Newt Gingrich in a press conference. (Gingrich characterized the question as "grotesque.") Even President Clinton has flirted with this theme, with his reference to "hate" on the "airwaves." An aide subsequently explained that the radio he had in mind was short-wave, not talk. Hmmm. A President who has lately greeted Gerry Adams as a guest in the White House is ill-advised to drop such hints.

The "far Right" of the *Times*'s headline encompasses three distinct strands. There are the outlaws, part Nazi, part latter-day Whisky Rebel, who believe that the government is a power-mad anti-white conspiracy which has forfeited every shred of legitimacy and any claim to obedience. Then there are the religious nuts, awaiting an imminent apocalypse, in which the Federal Government will do the work of the Beast. Such folk will heat up as the Millennium approaches. David Koresh and the Branch Davidians exemplified this strand. There are, finally, the radical gun owners, convinced that the government wants to repeal the Second Amendment, and that the siege of the Davidian compound in Waco and the shootout with the Idaho white separatist Randy Weaver were dress rehearsals for the coming confiscation. Timothy McVeigh himself seems a recent recruit to one of these ways of not thinking—and not necessarily a welcome one. The Michigan Militia, radical gun owners, refused admission to one of McVeigh's friends. It is by no means clear that any of these groups had any knowledge of any activities of McVeigh and his collaborators, still less that they would have approved.

The strands differ in MO as well as ideology. The outlaws are secretive, cultic. The Michigan Militia holds open drills, and courts publicity. The religious nuts inhabit their own world—unless the outside world comes calling, as the Bureau of Alcohol, Tobacco, and Firearms did in Waco.

The radical gun owners and the religious nuts are paranoid—their alienation parallels that of the New Left thirty years ago—but they also have real enemies, who are up to real mischief. The gun-control lobby, to judge from its table talk, *does* want handguns banned and rifles and shotguns (not just "assault rifles") restricted. The siege of Waco was an outrage, and the descent on Randy Weaver, which left his wife and son as well as a federal marshal dead, was an atrocious bungle. The fact that the opinions of the victims were loony or repellent was no excuse. (If *this* were a crime, *The Village Voice* would be suppressed.) This is why it is important that Congress not rush to pass the anti-terrorism legislation requested by the Justice Department, simply in order to "do something." The government already has sufficient powers to wiretap criminal suspects. What it wants now is a right to eavesdrop on oddballs—and the help of the phone companies in doing so. The last time an unpopular Democratic Administration moved against terrorists, we got the Palmer raids—not a happy precedent.

This is analysis. There remains the wreckage, the bereaved, the innocent dead. President and Mrs. Clinton, other political figures, and the Rev. Billy Graham all made efforts to offer public consolation. There is such a thing as the civil religion, and the President is its *pontifex maximus*. But in repairing the emotional rent, we must be careful not to say too much. Mrs. Clinton told one group of children, "There are many more good people in the world than bad and evil people." There are no actuaries capable of making that calculation, and even if the good predominate, there is plenty of evil to go around—and children (and adults) had better get used to it. "The heart is deceitful above all things, and desperately wicked: who can know it?" And what of Nature, and its disasters and accidents? God, we believe, is good, but who can know all His purposes? The one thing we can know for certain is that, one way or another, the world will supply many more victims before we leave it.

Take Your Daughter To Congress Day

THE American Association of University Women and other feminist lobbying groups have succeeded in getting girls categorized as an "historically under-served population." This means that, under the Gender Equity Act incorporated in last year's Elementary and Secondary Education Act, millions of dollars will now be allocated for "gender equity" programs in the schools.

Who benefits? Not the girls; they had no need of any special provisions in the first place. More girls than boys go on to college. More plan to pursue postgraduate degrees. Girls consistently outperform boys in grad school. It's the professionals in the business of selling "gender bias" to a gullible public who have hit paydirt.

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For the activists who unveiled an "unacknowledged American tragedy" by their sensationalized research findings will play key roles in administering the programs designed to put things right.

The ESEA allocates millions for combatting violence in the schools. Feminists like Nan Stein, a well-known "harassment specialist" at the Wellesley College Center for Research on Women, have persuaded the government that sexual harassment—as defined by them—is a form of violence deserving special funding. It was Miss Stein who coined the phrase "gender terrorists" to describe little boys who flip up little girls' skirts on the playground.

Legislators, post–Anita Hill, are anxious to show that now they "get it." Even so, that Congress could classify schoolgirls as a disadvantaged population alongside Indians and the handicapped is a tribute to the ideological influence and political power wielded by establishment feminists. Organizations such as the Ms. Foundation, the AAUW, the National Organization for Women, The Center for Women's Policy Studies, The Institute for Women's Policy Research Center, The National Women's Political Caucus, The Council for Research on Women, and the Wellesley College Center for Research on Women produce the hundreds of books, studies, position papers, fact sheets, and surveys that drive public policy on "women's issues." Even Republican politicians rely on them for analysis. Republicans Olympia Snowe, Susan Molinari, and Constance Morella joined Pat Schroeder and Edward Kennedy in sponsoring the Gender Equity Act.

When Senators Kay Bailey Hutchison and Nancy Kassebaum suggested last year that implementing the gender equity provisions in ESEA should be held up until Congress checked whether schoolgirls were in fact being "shortchanged," the AAUW swung into action. "AAUW's grass roots were alerted in both Texas and Kansas to ensure the idea did not resurface," the AAUW newsletter boasted. But the political situation is different now. As the new Congress gets back to sanity, reconsidering the Gender Equity Act is a good place to start.

Vietnam and Memory

IN THE conventional view, the Vietnam War is an unalloyed American defeat. Witness Robert McNamara, just out with a memoir of Vietnam, riddled by a deep sense of personal guilt about the political and military misjudgments that characterized his conduct of the war. Yet over the years, he has shifted so far leftward under the strain of his burden that he now confesses guilt for sins of which neither he nor his country is guilty. To be sure, bad things happened, but the full picture is very different from the media caricature of U.S. crime and defeat.

The Kennedy and Johnson Administrations plunged into Indochina from a combination of strategic panic and tactical hubris—panic at a Chinese and Soviet strategy of "wars of national liberation" and hubris about America's ability to win such a war on the cheap. But even on the cheap, you have to fight to win. McNamara's approach of fighting to draw bore fruit in America's later withdrawal from the war and Congress's betrayal of the South Vietnamese. These had devastating strategic consequences, taking us out of the global struggle for half a decade as Americans became disillusioned with international engagement.

The Soviets, then at the height of *their* imperial self-confidence, assumed that the historical "correlation of forces" was moving in their favor. But by 1975 the worst geopolitical consequences of defeat had been averted by China's stepping in to fill the regional vacuum against the Soviets. Ronald Reagan's election and Presidency were further steps in our recovery; the "correlation of forces" shifted decisively the other way. And, as Lee Kuan Yew argues, our intervention in 1965 bought time for Southeast Asia to strengthen itself politically and economically. With momentous consequences: by the mid Eighties, the Soviets were falling behind not just America and Western Europe, but also Singapore. They had to reform.

Desert Storm was the sign of a country that had regained its spirit and courage—but too late for several million Cambodians, Vietnamese, and Laotians who experienced small boats, re-education camps, yellow rain, and the Khmer Rouge. It is a pity that the survivors were not asked to review Mr. McNamara's lugubrious reflections. Knowing the horrendous outcome for the people of Indochina, we can pass the correct verdict: It was no shame to have tried to save them from that fate. The shame is that we failed. The lesson of Vietnam is not that we should never intervene, but that America must never again commit itself without the will to prevail. If we learn that lesson, we honor those who sacrificed in that cause.

Milovan Djilas, R I P

THE OLD axiom that the great moral struggle of the Cold War pitted Communists against ex-Communists may have been coined with Milovan Djilas in mind. There is no more damning account of the corruption of the Communist system than *The New Class*, published by Djilas in 1957, not long after he became disillusioned with the Communist regime in Yugoslavia that he had helped bring to power.

Djilas had, at one point, been considered Tito's heir apparent. But in the 1950s he came to see the postwar Communist regimes in Eastern Europe as nothing more than a new privileged bureaucratic caste, mocking the egalitarian principles in the name of which it

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ruled. The Soviet word *nomenklatura* became the common term for this elite, but Djilas's *New Class* was the first and most brilliant account of it.

Djilas had been thrown into prison by Tito in 1956 for hailing the Hungarian uprising against the Soviets. *The New Class* and other books he had written before his imprisonment only earned him a lengthening of his jail term after their publication in the West. These books included *Land without Justice*, an account of his early years, and *Conversations with Stalin*, a startling eyewitness description of the monster in action, based on Djilas's own dealings with him as an aide to Tito in the 1940s and early '50s.

Djilas was released by Tito in 1966. To any who may

Right Data

The Inequality Industry

ALTHOUGH the election is 18 months away, newspapers are already filled with stories about the widening gap between rich and poor. Income inequality poses a threat to the "social fabric," not to mention the economy. Or so we're told. There is, however, one inconvenient fact: Americans are still getting richer.

Since 1967 the share of households earning $75,000 and above per year (in 1993 dollars) has more than doubled, from 5.1 per cent to 12.5 per cent. Middle-income households, far from being squeezed, have been pushed up. We can thank women for this. According to a study by Lynn A. Karoly of the Rand Corporation and Gary Burtless of the Brookings Institution, the influx of better-educated working women into the workforce accounts for 40 per cent of the gains at the top.

HOLD THE MALAISE:
DISTRIBUTION OF HOUSEHOLDS BY INCOME
(Constant 1993 Dollars)

	Percent of Households			
	Low Income ($0-$15K)	Middle Income ($15-$75K)	High Income ($75K+)	Per-Capita Personal Income
1967	25.1%	69.8%	5.1%	$13,115
1980	23.2	68.0	8.8	17,629
1990	22.0	65.4	12.6	20,592
1991	23.0	65.0	12.0	20,294
1992	23.7	64.6	11.7	20,636
1993	23.4	64.1	12.5	20,858

Source: Department of Commerce

Admittedly, the share of households with low incomes has fallen only slightly—from 25 per cent to 23 per cent. Democrats also love to focus on real median household income. It has declined 7 per cent since 1989 and currently is at about the same level as it was in the early 1970s. Yet real income per person has soared 60 per cent since 1967.

Why do households fare worse than people? The paradox merely reflects the fact that the average household is home to fewer and fewer people. Since 1970 the U.S. population has increased 26 per cent; the number of households has risen more than twice as fast. One reason, of course, is that baby-boomers got jobs, left home, and set up their own single-person households. At the other end of the scale are divorcees and unmarried mothers living on welfare. No matter what the cause, smaller households mean that household-income trends understate true income growth.

Most Americans accept uncritically the income-distribution statistics released annually by the Bureau of Labor Statistics. But they are based on tax-return data, a notorious source of misinformation. Many "poor" taxpayers get that way by reporting losses on businesses that they own. Government benefits such as Medicaid and housing subsidies are not counted as income. Nor are savings withdrawals or money borrowed from family members.

All this is by way of introducing an intriguing set of numbers, also collected by the BLS. The poorest 20 per cent of households surveyed in 1992 had average *incomes* of $5,981, but average *expenditures* of $12,306. (To be sure, many of these are retirees living off their capital, and some are young people receiving family support. But one does wonder, too, how much earned income was not reported.) For the richest fifth, the situation was reversed: expenditures of $54,824 per household versus average income of $83,131. Many of them obviously feel their stay in the upper-income strata is only temporary. Clearly, one year's income distribution says little about the distribution of long-term living standards.

When all else fails, there is wealth. A widely reported study by Edward Wolff, professor of economics at New York University, found that the richest 1 per cent of Americans—with net worth of at least $2.3 million—controlled 39 per cent of total household wealth in 1989. That compares to the 34 per cent they controlled in 1983, and the 18 per cent controlled by the richest 1 per cent in the United Kingdom. Newspapers bewailed the feudal stratification of America. They failed to report that most of America's richest people are self-employed, typically working fifty hours a week compared to forty for everyone else. Or that half of 1983's richest 1 per cent had been pushed out by a new crop of entrepreneurs six years later.

—ED RUBENSTEIN

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"Pug gets this assignment—we need someone with a low profile."

be nostalgic for Communism as a unifying force in Yugoslavia, Djilas had an answer: It was four decades of Communism, he observed, that had denied Yugoslavia the chance of developing the institutions and practices of civil society, without which the country disintegrated into warring ethnicities. He died April 20, in Belgrade, aged 83.

Robert Strother, R I P

BOB STROTHER was an old-time newspaper man. He had been everywhere, seen and done everything, worked for everyone—UP, Luce, Hearst, *Reader's Digest*—in a journalistic career of more than sixty years. He was reputed to be the first American newspaperman to enter Rome when it was liberated on June 24, 1944.

Fifty years later, on June 24, 1994, Bob Strother confirmed that exploit in an amusing letter to me. He was in Naples that particular fine morning, the officer in charge of *Yank*, the U.S. Army paper. "Sergeant Salvador Cannizo of Clifton, N.J.," Strother wrote, "gave me a sloppy salute and said 'Well, Major, Rome will fall today for sure.'

"'Good,' I said. 'How're we fixed for gas?'

"'Tanks full, and I have a jerry can besides.'"

At the outskirts of the city they ran into a crowd of deliriously happy Italians, and asked, "Where are the mines?"

"We've lifted them," they said.

"We made good time to the Via Veneto," Strother continued, "without seeing another American anywhere." At the desk of the Hotel Ambassadore, where Strother had stayed before, "the desk clerk nearly fainted when he saw me. He explained there would be a very brief delay, and vanished. A German general went out the back as I came in the front, leaving a little black cocker spaniel behind, who seemed eager to switch allegiance."

Bob Strother was working for *Reader's Digest* as a roving correspondent in the early Seventies when he and his wife moved to a lovely home in Cuernavaca. For the last twenty years of his life, he was NATIONAL REVIEW's eyes and ears in Mexico. When he first started covering the Mexican scene for *NR*, he wrote under pen names, Carlos Untel and George Byram Lake, fearing that the authorities, who were not known to take criticism lightly, might object to the unholy joy he took in chronicling what passed for democratic politics there. But ultimately, concluding that Mexico was as inept in its authoritarianism as in its democratic pretensions, he said to hell with it, and in 1977 took his place on *NR*'s masthead and signed his own name to all subsequent stories.

It is a truism in American journalism that it is impossible to interest readers in Canada or Latin America. But *NR*'s readers lapped up Bob Strother's accounts of official shenanigans in Mexico, and called for more. He was happy to oblige, and always entertaining, as in these *despedidas* to two Mexican presidents, scoundrels both. Of Luis Echeverría, he wrote (*NR*, Nov. 11, 1976), "having designated his successor, he [the Mexican president] is expected, like some mythological king-for-a-day, to fade silently into permanent obscurity. The same goes for his horde of high-level towel-swingers, horn-blowers, white-elephant milkers, genuflectors, and sycophants." Nice sense of rhythm. On the departure of Echeverría's successor, José López Portillo, Strother commented (Nov. 18, 1982) that in his foreign policy he was "pro-Soviet, pro-Castro, pro-Sandinista, anti-American, and anti-capitalist. He left office a billionaire and left his country in crisis."

But his articles, amusingly as they were couched, were stinging indictments of high-level thugs ripping off Mexico, a country and a people Bob Strother dearly loved and understood as few gringos have. The people of Mexico, he felt, deserved better than their rulers,

The Coffin's First Nail

In Birmingham, where firemen
  Affirmatively rose
As tension in the firehouse
  Tore at the men's repose,
Career advancement once again
  Will be by merit, which
Is balm for the Dalmation, too,
  Bugged by a tension itch.

W. H. VON DREELE

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and in his way, by reporting the situation as he saw it—and his reporting was 20-20—Bob Strother hoped to help make it right.

When *NR*'s editors first met Bob Strother, he was a tall, distinguished gentleman in his eighties, with a small, clipped white mustache, holding himself erect in his good-looking British tweeds. He might have stepped out of *Punch*. He visited *NR*'s office once — this was after his wife's death—traveling to New York to join in *NR*'s thirtieth anniversary celebration and to meet the editors who had so delighted in his prose. A half-dozen years later, he stepped into a pothole on a Cuernavaca street and suffered injuries that kept him house-bound for the rest of his life. He died last month, in his 92nd year, one of the last of a dwindling band of newspapermen who covered World War II in the field, and one of the best and most talented of the lot. Certainly the nicest. —PLB

Notes & Asides

■ Dear Mr. Buckley:

One wonders if, after the usual empty pleasantries and the stimulating girlie talk, Bill and Hillary had enough spirit to ask Gerry Adams to ban assault rifles from Ireland. What do you think?

Very truly yours,
Gerard J. Blanc
Bradford, N.H.

■ Dear Mr. Buckley:

In response to Elizabeth Wilde, who noted that her mother would have become 97 years of age last year, the same number as the last two digits of her birth year, 1897: The reason that such a coincidence only happens every two years is as follows. An individual born in the year (1800 + X) will become age X in the year (1800 + X) + X = 1800 + 2X. If we insist that X progresses by whole numbers, 1800 + 2X must progress by increments of two years, which are always even-numbered years such as 1994, 1996, and so on. Of course, the assumption that X moves by whole numbers is unnecessary. For example, I was born in the year 1962½, and will become age 62½ in the year 2025. This will be nearly in time to realize, at best, a whopping 1% annual real return (or perhaps a swift kick and a hearty handshake) in reward for a lifetime of Social Security contributions.

Best wishes,
John P. Hussman
Ann Arbor, Mich.

Dear Mr. Hussman: I see. Thanks. Say hello to 2025 when you get there. Cordially, WFB

Dear Bill:

I hope this will help Mrs. Wilde with her interesting problem. She wondered why a person reaches the age of the last two digits of his/her year of birth only every *two* years.

When you add an integer to itself (e.g., 94 + 94 = 188), this is equivalent to multiplying the integer by 2 (e.g., 94 × 2 = 188). Any integer multiplied by 2 must be an even integer. (Because, if the integer is multiplied by 2, the product must be an integer divisible by 2; divisibility by 2 is effectively a *definition* of an "even" integer.)

Another way to look at the same thing: Say you add an *odd* integer to itself—e.g., 95 + 95 = 190. You are adding an even integer plus 1 to (the same) even integer plus 1—e.g., (94 + 1 plus 94 + 1) = 190. The sum will be an even integer plus 2 (e.g., 188 + 2 = 190). An even integer plus 2 must be an even integer.

Now say you add an *even* integer to itself (e.g., 94 + 94 = 188). You are adding an even integer plus 0 to (the same) even integer plus 0—e.g. (94 + 0 plus 94 + 0) = 188. The sum will be an even integer plus 0, which must be an even integer.

Had Mrs. Wilde considered half-years (i.e., non-integer ages), she would not have made her discovery (e.g., 97.5 + 97.5 = 195). Someone born in 1897.5 turns 97.5 in 1995.

Best,
Steven Goldberg
New York, N.Y.

Dear Professor Goldberg: Many thanks. You are *very* convincing. Cordially, WFB

Dear Mr. Buckley:

The answer to the question posed by Mrs. Wilde is found among one of the primary axioms of mathematics, to wit: the sum of two even numbers is an even number; the sum of two odd numbers is an even number. Since the numerical designation of each year is either odd or even, and the question postulates adding a number to itself (always adding two odd or two even numbers), the sum will always be an even number. Even-numbered years occur every other year, hence the observed phenomenon.

What I don't understand (among other things existential) are: 1) why is the sum of the individual digits of any multiple of 9 a multiple of 9 (i.e., 9 × 135 = 1215; 1 + 2 + 1 + 5 = 9), and 2) why are magazine dates of issue after the actual dates of issue (i.e., I received my Feb. 20 *NR* on Feb. 9).

Respectfully,
Mark Hutto
Dunwoody, Ga.

Dear Mr. Hutto: The reason for postdating magazines is to ensure against late Post Office delivery. Sometimes it can be embarrassing, though. The issue addressed to subscribers in Pompeii deploring the eruption arrived there *before* the eruption. Cordially, **—WFB**

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ON THE SCENE

Ties That Blind

ALAN BOCK

NOXON, MONTANA

THE high-school gymnasium in this tiny town in the far northwestern corner of the state is almost filled on a snowy Sunday in December for a meeting of the dread Militia of Montana (affectionately known as MOM). Down the hall is a babysitting room for some of the many small children who find it difficult to sit still through hours of lectures from Mark Koernke (a/k/a "Mark from Michigan"), a popular speaker on the growing "militia" and "patriot" circuit, and John Trochmann, who founded the Militia of Montana after the deadly 1992 standoff between federal agents and the Randy Weaver family near Naples, Idaho, just across the state line.

In the hallway outside the gym, vendors offer T-shirts celebrating the Second Amendment, *The Clinton Chronicles* (a video assault on the First Family), and books on emergency food storage, caching weapons, guerrilla tactics, the siege of the Weaver family, and the "truth" about Waco. The material tends to echo what is heard inside:

The leaders of the government have sold out to the New World Order. They know they can establish a true dictatorship—and pave the way for Soviet and/or UN troops with their omnipresent black helicopters, who may be massing on the Canadian border at any time—only if they seize the guns of decent, law-abiding Americans. The Brady Law was the first step toward gun confiscation. The Weaver and Waco incidents were rehearsals for the final takeover.

If you're not ready to join a citizens' militia to protect your rights, you should at least get ready by obtaining a stock of ammunition and an emergency food supply. You might not have to confront the tyrants; the knowledge that free Americans are organizing and arming might be enough to stave off the imminent imposition of dictatorship. But prudent Americans know that the Federal Government means them no good.

That, in a nutshell, is what militia organizers and leaders of "patriot groups" are telling an increasing number of followers. Do such groups, especially insofar as they are armed and engaging in paramilitary exercises, constitute a danger to the Federal Government or to other Americans? Did their conspiracy theories and militant rhetoric help inspire Timothy McVeigh, now in custody for the bombing of the Alfred P. Murrah Federal Building in Oklahoma City? Was the bombing a militia operation, or was it perhaps carried out by renegades from one of the organizations?

Such questions have been raised by allegations that McVeigh was associated with the Michigan Militia. Friends and associates say he was outraged to the point of obsession by the federal siege of the Branch Davidian complex at Waco, which culminated in fiery destruction exactly two years before the Oklahoma City bombing. News coverage, especially in the *New York Times* and on ABC's *Nightline*, has stressed the extremist, possibly violence-prone, sometimes bigoted character of the militia movement.

This depiction is a caricature of a movement that is far more complex than is commonly assumed. The caricature is easy because the very concept of a citizen militia seems alien and archaic to most Americans. Never mind that George Mason, co-author of the Bill of Rights, said the militia "consist now of the whole people, except for a few public officers." Never mind that most of the Founders preferred the militia, composed of all able-bodied males available to defend the country from invasion or insurrection, to a standing army. This is the twentieth century, after all.

Yet a growing number of Americans believe it is time to revive the Founders' vision. The American Jewish Committee, which perceives anti-Semitism in the militia movement, estimates that as many as ten thousand people are involved in "citizens' militias" in 35 states. Late last year the Michigan Militia said it was organized in 66 of the state's 83 counties; it offered a (possibly exaggerated) estimate of 12,000 members in that state alone.

The militia movement includes well-organized groups such as the Michigan Militia, which holds regular maneuvers; organizations that have long existed under state law as a supplement to law enforcement in the event of natural disasters or riots; and groups of a dozen or so people who meet on Saturday nights, talk tough, and have a few beers. Timothy McVeigh's connection to this movement may be tenuous. According to federal investigators, he has been a close friend of Terry Nichols, whom he met in the Army and who turned himself in to law-enforcement officials in Kansas after the bombing, and of Nichols's brother, James, who owns a farm in Decker, Michigan. The Nichols brothers are said to be "former members of the Michigan Militia."

BUT Michigan Militia spokesmen say James Nichols attended one meeting and was asked to leave after he got up to speak and advocated that people tear up their driver's licenses and stop paying taxes. Says Randy Trochmann, nephew of MOM founder John Trochmann, "We searched every database, every list we could find of militia members or sympathizers, and we could not find those three names."

For the mainstream press, actual membership is not necessary to draw a connection with the militia movement. Indeed, to judge by some of the stories, anti-government opinions are enough. Most journalists seem astounded that so many Americans dislike the Federal

Mr. Bock is a senior columnist at the Orange County Register *and author of* Ambush at Ruby Ridge, *forthcoming from Dickens Press. His full report on the militia movement will appear in the next issue of* NR.

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Government. In an April 25 story on the front page of the *New York Times*, Timothy Egan put it this way: "The hatred directed at federal officials, according to those who have been threatened, has been fanned by a handful of rural talk-radio hosts and by people writing in newsletters and computer bulletin boards who equate the government with an occupying army. Initially, many public employees dismissed such talk as rabble from isolated cranks. But in recent months, some say they have found it increasingly hard to do their jobs, as opponents of the government have become emboldened."

Although threats of violence against federal employees may be excessive, there is another side of the story that deserves attention. Hostility to the government does not occur in a vacuum. For example, the *Times* article refers to a group of people, some armed, who recently confronted officials in Hamilton, Montana, claiming to be associated with the militia movement. One of them, Cal Greenup, is quoted as saying, "There cannot be a cleansing without a shedding of blood." He is now a federal fugitive.

Greenup has been locked in struggles with federal and state officials for several years. After he leased some of his land to the city, the Environmental Protection Agency ordered him to clean it up at a cost of $100,000. In the course of lengthy legal maneuvers, it was discovered that the city was responsible for the cleanup—but at a cost of only $3,000. Another dispute involved elk that Greenup kept at his home as pets, a practice that state and federal game officials told him was illegal. Even as a bill was pending in the state legislature to legalize keeping elk as pets, officials confiscated the animals, killing two of them.

Another confrontation cited by the *Times* involved Nye County Commissioner Richard Carver. Last July 4, he mounted a bulldozer and reopened an old road traversing what is now federal land. The county argues that the Bureau of Land Management closed that road (and others) illegally. It claims Congress "grandfathered" roads that existed before the Federal Government took possession of certain lands, leaving them under local control. In addition to challenging that assertion, the Justice Department is seeking an injunction against county government resolutions—passed as expressions of opinion, not as statutes. Its brief does not even acknowledge the First Amendment issues raised by this action.

Press coverage in the aftermath of the Oklahoma City bombing has suggested that criticism of the Federal Government's actions at Waco is itself suspect, if not prima facie evidence of terrorist intentions. Yet the government has never offered an adequate explanation of the events that led to the deaths of some eighty Branch Davidians, and the evidence of government misconduct is strong, to say the least. The same can be said of the confrontation in Idaho that led to the deaths of Randy Weaver's son and wife as well as a U.S. marshal. After the siege, Weaver and family friend Kevin Harris were acquitted of all serious charges by a federal jury. Most jurors expressed shock at the government's bumbling and misconduct, now the subject of a civil suit.

If militia members were involved in the Oklahoma City bombing, they should be prosecuted to the full extent of the law. And if militia propaganda is shown to have inspired acts of violence, militia members should at least accept some moral responsibility and consider toning down their rhetoric. But proving that connection may be difficult. After the bombing, Norman Olson, commander of the Michigan Militia, said: "We have denounced the entire incident as an act of barbarity. It's totally alien to everything we believe. We are totally defensive. We do not engage in terrorism. We do not believe in answering the tyrant brutality with more brutality."

Based on my encounters with militia members prior to the bombing, this is more than an after-the-fact pose. Last December in Noxon, John Trochmann, who categorically and vehemently denies charges of racism and anti-Semitism, told me: "We formed MOM specifically to avoid situations like the Weaver killings. We are in touch with local law-enforcement officials and with local ATF and FBI officials constantly, trying to defuse potential confrontations. We haven't always succeeded, but that's our goal."

Maybe it's not that simple, and no doubt there are loose cannons in the militia movement. Forming militias might not be a smart way to respond to the growth of the Federal Government or to government outrages. But it would be wise to learn more about the members of the militia movement before painting them all as right-wing nuts spoiling for a fight. □

Dealing with Dole

RICH LOWRY

WASHINGTON, D.C.

IN THE early 1980s Bob Heckman, ousted as executive director of Young Americans for Freedom, challenged his dismissal in a drawn-out, bitter lawsuit. He eventually moved on to a rocky career in the conservative movement that one activist describes as leaving "body bags coast to coast." Another longtime activist guesses Mr. Beckman "wouldn't be welcome at any [conservative] coalition meeting I can think of." Yet Heckman has landed a plum job: coordinating outreach to conservatives for Senator Phil Gramm's presidential campaign.

Of the problems plaguing the Gramm campaign, this is a relatively minor one. "Name me some person in the movement who gets along with everybody else in the movement," says Gramm consultant Charlie Black. But the fact that a conservative outreach coordinator carries so much baggage reflects a broader weakness. Gramm has to win united conservative support to overcome the natural advantages of front-runner Bob Dole. That isn't happening. If there isn't yet a boomlet of "Conservatives for Dole," there is a growing contingent who can live with him, which in the end may amount to the same thing.

Just as Dole has set about methodically changing his personal image—66 per cent in a recent Gallup poll consider him a nice guy—so he has undertaken a serious effort to smooth his jagged edges for conservatives. "Conservatives have, I think, always sort of found him acceptable, but are nervous about him," says American Conserva-

Mr. Lowry is NR*'s national political reporter.*

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tive Union Chairman David Keene, a longtime Dole supporter. "So his task is to play on the acceptability and reduce the nervousness. . . . I think in recent months he's done some of that."

Consider the famous "tax pledge." When Dole agreed to take the vow against raising taxes that he refused to sign in 1988, he executed the maneuver with care. "[He] didn't just say, 'Well, I got to take the darn pledge, so sign the pledge and mail it to me,'" recalls the pledge's originator, Grover Norquist of Americans for Tax Reform. "We went back and forth and back and forth with his staff." The campaign then flew Norquist to New Hampshire to be on hand when Dole unveiled his new vow. "It was done in such a way," says Norquist, "that leads me to believe he'd never break the pledge."

Dole is also making a credible play for supply-siders. The split between old-fashioned fiscal conservatives like Dole and tax-cutting growth advocates like Jack Kemp once was a great divide in the GOP, leading to personal animosity. In the 1980s, Dole reportedly told a meeting of young Republicans, "Kemp wants a business deduction for hair spray." Kemp countered, "In a recent fire, Bob Dole's library burned down. Both books were lost. And he hadn't even finished coloring one of them." The recriminations are now fading into endorsements.

For two years supply-side guru Jude Wanniski had been informally advising supply-side nemesis Dole. Dole lost Wanniski with a careless comment in a *New York Times Magazine* profile: "If you're looking for ideology—well, there's Ronald Reagan. Then you see how the debt went up during those years." But despite that slip, Dole has made headway with other supply-siders.

Vin Weber, a former congressman from Minnesota and a close associate of Kemp, has endorsed Dole. "I was one of those arguing with Dole in the early Eighties," says Weber. Now he sees a convergence between the two sides of the supply-side debate, with an emerging consensus favoring both deep spending cuts and tax cuts. Weber says Dole reached out to him. "He talked to me about the tax issue, and talked to me about the social issues," he says. "He was very nice, very clear he wanted me involved." In addition to Weber, Dole has attracted a couple of former Kemp staffers to his campaign. Can the endorsement of the pre-eminent supply-sider himself, recently appointed by Dole and Newt Gingrich to head a tax-overhaul commission, be far behind?

Social conservatives have been getting similar treatment. On the second day of his announcement tour, dubbed "values day," Dole criticized Hollywood and spoke of the usefulness of shame in a speech in Des Moines. He followed up a few days later with an attack on the movie *Priest*. Richard Berke of the *New York Times* has commented on how much the new Dole sounds like the Christian Coalition's Ralph Reed. It's not surprising. Helping with Dole's speeches is former Bill Bennett advisor David Kuo, who has written for Reed. Judy Haynes left her position as

Roberto Parada

deputy executive director at the Christian Coalition to become a deputy political director at the campaign. The Dole campaign has solicited, and apparently heeded, Reed's advice.

Says Reed, "It would have been hard for anyone to predict that the Bob Dole of 1988 would be able to come back six or eight years later and run a campaign that has been this disciplined, this focused, and this well orchestrated in its appeal to conservative voters and conservative causes. I think the jury is still out as to what the impact is going to be. But with regard to hitting the right notes, Bob Dole is playing conservative themes like a Stradivarius."

Dole's strategy disarms Gramm, who needs to create a sense of urgency about stopping Dole. Every time Dole hits a conservative note—even if it is at variance with his record—he saps some of that urgency. "I don't think, except for a small pocket, that there's an absolute 'we must stop Bob Dole' [feeling]," says pollster Tony Fabrizio, who worked for Dole's 1988 campaign. "There's not the passion like there was in '76 to stop Ford." Dole has enough credibility to shift right and portray himself as just as conservative as Gramm in most important respects. Meanwhile, the other right-wing candidates—Pat Buchanan, Bob Dornan, Alan Keyes—justify their campaigns by arguing that Gramm is not a real conservative. Gramm risks getting squeezed out.

IT'S still early, of course. The grumbling about Gramm reverberates mostly in the Beltway echo chamber, stoked in particular by a recent Robert Novak column warning of a possible Gramm "meltdown." The campaign has responded, tapping friends for lists of conservatives to whom Gramm should be making courtesy phone calls and sending Gramm to Colorado Springs to mend fences with Focus on the Family leader James Dobson, whom Gramm irritated in an earlier meeting. There's also plenty of time for Gramm to try to differentiate himself from Dole on the Senate floor.

"The odds are this will all shake out and Gramm will succeed in getting most conservatives behind him and forcing a Dole–Gramm race," says Bill Kristol, head of the Project for the Republican Future. But Kristol, who declined an offer to join the Gramm campaign, acknowledges that it might not come together. "He's always been more of a lone wolf," he says. "He doesn't have the kind of attachment to the conservative movement that Reagan had, which allowed Reagan to get away with a lot more compromising. That's the irony of it—that Gramm is being held to a higher standard."

A further irony is that Gramm is being hurt by the conservative revolution that his politics seem to match so nicely. The new GOP majorities in the House and Senate make the issue of which Republican sits in the White House less pressing for many conservatives, and some would be content to see Dole, prone to compromise, leave his Senate leadership post to a new-generation conservative like Majority Whip Trent Lott. "The major sales point for Dole," says one conservative activist, "is if he became President, the White House would be tremendously improved—and so would the Senate." □

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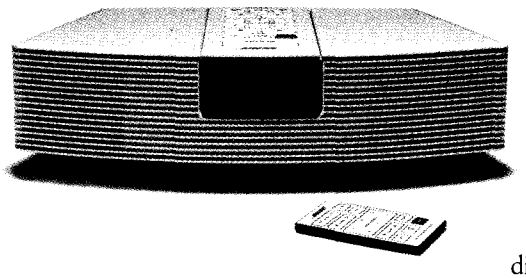

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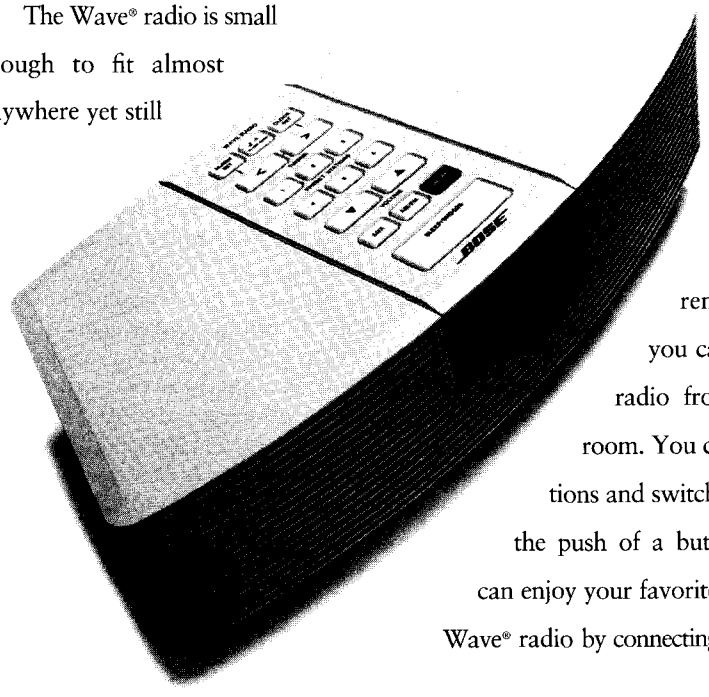

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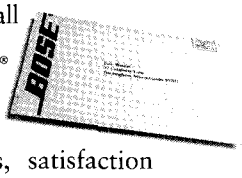

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Relief Pitch

LAWRENCE KUDLOW

WASHINGTON, D.C.

IF THE new Republican Party intends to consolidate its hold on the hearts and minds of the electorate, nothing is more important than Senate approval of the tax-cut bill that passed the House just before the Easter recess. The GOP must keep its promise to provide across-the-board tax relief for middle-class families, businesses, investors, and senior citizens. Only if that promise is kept will the voters trust the Republicans to make more far-reaching tax-policy changes such as a Dick Armey–style flat tax, a Bill Archer–style consumption tax, or a radical rollback of the meddlesome and intrusive IRS. Only if that promise is kept will the specter of "Read My Lips" be exorcised. If the Senate Republicans fail to emulate the House tax bill, future Republican fiscal promises—whether the recommendations of Jack Kemp's tax commission, next year's GOP platform plank in San Diego, or the presidential campaign itself—will have no credibility. That is why rumors that Senate Majority Leader Robert Dole intends to "split the difference" on the tax bill are so troubling.

The case for the House bill starts with the ever-growing tax burden. According to the Tax Foundation, Tax Freedom Day this year doesn't arrive until May 6, which means the average American has to work 126 days to pay federal, state, and local taxes. In 1980 Tax Freedom Day was May 1; in the mid 1960s it fell on April 14. With per-capita income at $24,135 and per-capita taxes totaling $8,303 ($5,461 for federal and $2,842 for state and local), 34.4 per cent of our income is used to pay taxes, compared to 28.3 per cent in 1985 and 24.7 per cent in 1945.

There is also a strong economic case for the House tax-cut plan. The current recovery cycle is still the weakest post-war upturn since the end of World War II, an unsurprising fact considering the large tax and regulatory burdens imposed since the late 1980s. Indeed, the economy has grown at barely 2 per cent annually since 1988, compared to a long-term trend of 3 per cent. Since 1988 the difference between 2 per cent and 3 per cent growth has cost us nearly $2 trillion in real output and six million jobs. The growth gap increased the federal budget deficit by roughly $160 billion in fiscal year 1995, accounting for 91 per cent of the projected $176-billion deficit. Moreover, the recovery cycle is running out of steam, with housing-starts, home sales, and consumer spending down and inventories up.

In this context, it is surprising how few people have discussed the numerous economic-growth components of the House tax-cut bill. The package—which includes a capital-gains tax cut with future indexing, more-liberal depreciation write-offs for businesses, expanded IRAs, elimination of the alternative minimum tax system that has been especially harmful to high-tech start-up companies, and increased home-office and estate-tax deductions—will generate at least $125 billion a year in new saving and investment, according to former Treasury economists Gary and Aldona Robbins, now senior fellows at the Institute for Policy Innovation.

WALL STREET worrywarts complain that these tax cuts will not be fully "paid for" with spending cuts, that they will therefore overheat the economy by stimulating demand through a bigger budget deficit. But the real story is how the Contract's tax cuts will raise after-tax returns on capital, saving, and investment, restoring the economy's animal spirits from the supply side. And as Hudson Institute economist Alan Reynolds notes, a more productive economy with higher after-tax returns will stem the outflow of foreign investment and boost the dollar's value without the pain of interest-rate hikes.

All told, the Robbinses estimate, the tax bill will raise real economic growth by one percentage point a year, and econometric analyses by mainstream modelers at Wharton and elsewhere show similar results. This additional growth would reduce the deficit by about $160 billion by 2000. And if the Federal Reserve would restore the value of the dollar by printing fewer of them and re-linking the currency to gold at around $350 per ounce, an interest-rate drop of just one percentage point from lower inflation expectations would reduce the budget deficit for 2000 by another $50 billion. So pro-growth policies could cut the out-year deficit by more than $200 billion, which would account for at least 82 per cent of the projected $243-billion deficit in 2000.

As for the class-warfare argument, it doesn't hold water. The $500-per-child tax credit would provide a *100 per cent* tax saving for families with two children earning $25,000 or less, a 48 per cent saving for those making $30,000, and only a 2 per cent saving for those with $200,000. The Joint Tax Committee has estimated that middle-class families with adjusted gross incomes of $15,000 to $50,000 would receive 64 per cent of the money involved in the child tax credits. According to House Budget Committee staff, scaling back the income threshold to $95,000 from $200,000 would save only about $6 billion, hardly worth a broken promise. Meanwhile, a recent Tax Foundation study shows that 53 per cent of all capital gains are reported by taxpayers earning less than $200,000.

True, the child tax credit will not provide as much growth stimulus as would a permanent reduction of income-tax rates. But it is part of a strong pro-family social statement that includes a tax credit for adoption expenses and repeal of the marriage penalty, all of which re-positions the GOP on the side of the angels. These changes, together with rollback of the Social Security benefit tax, effectively repeal the 1993 Clinton tax increase.

All those tax cuts *will be paid for* by GOP budget-cut proposals. That promise—which also must not be broken—has been made repeatedly by leading Republicans. The combination of tax and spending cuts, if crafted properly, should sharply reduce the budget's share of the economy. In five years or so we could have the budget in balance at roughly 19 per cent of GDP.

This is the case that Bob Dole and his Senate colleagues should be making. The House tax bill, which Newt Gingrich correctly calls the "crown jewel" of the Contract, must be passed in its entirety. The party's credibility is on the line. If Bob Dole cannot get this done, then conservatives, who dominate the presidential primaries, will find someone else who can. □

Mr. Kudlow is NR*'s economics editor.*

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3 WE NEED TIME TO ASSIMILATE. Throughout American history, the country has had sustained periods of low or negligible immigration. These periodic lulls enabled the country to absorb and assimilate those who had come before. Remember how the turn-of-the-century immigrant ghettos of our large northern cities melted away into the American mainstream during the low-immigration years leading up to 1965? We need another sustained lull now.

4 A DECLINING STANDARD OF LIVING. Immigration trends are troubling. Immigrants today are less skilled, less educated, and more likely to use welfare (1990 Census). Recent studies show that immigrants are far more likely than citizens to be on welfare, live in poverty, get the Earned Income Tax Credit, be in prison, work without health insurance, and live in overcrowded housing conditions. New data from the General Accounting Office reveal that immigrants are now using federal welfare programs like SSI and AFDC at skyrocketing rates.

5 LABOR MARKET. Immigrants are entering the country without regard to our changing labor needs. This means an increased supply of low skilled labor and heightened competition in many labor sectors; the resulting wage depression is increasing the gap between rich and poor in the highest immigrant-receiving communities.

6 THE PEOPLE WANT AN IMMIGRATION MORATORIUM. Polls show an overwhelming majority of the American people want a lot less immigration or even an immigration moratorium. (Roper Poll, May 1992; Latino National Political Survey, December 1992). These are persistent results over time. Most of the people cannot be wrong all the time!

7 THE SYSTEM'S BROKEN. The current system breeds lawlessness. Thousands of illegal immigrants enter the country every day—two to three million a year. Fake documents are easily obtained, providing access to welfare and benefits meant for citizens and legal residents.

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RANDOM WALK

I was just pondering the topic that is second only to P/E ratios for a Wall Street type when a fax from my old friends Daniel and Nancy Mitchell hit my desk. Rather than reinvent the wheel, I pass it along. —GEKKO

THE Republican takeover of Congress has shifted the debate on almost every issue, and nowhere is this more evident than in the case of tax reform. Fears of class warfare kept Republicans from including in the Contract the most important key to economic growth—reduction in tax rates on working, saving, investment, and entrepreneurship.

In the last six months, however, timidity has given way to boldness and the debate has evolved so rapidly that the fundamental question now is which radical tax reform Republicans should adopt. Most of the attention has focused on the Armey flat tax. Some are arguing, though, that the time has come to simply junk the entire income tax and replace it with a national sales tax or Value-Added Tax (VAT).

Either proposal would be a great improvement over our current system. There is some concern, however, that if tax-reform forces divide their efforts, that lack of unity will preclude either from developing the critical mass needed to overcome the status-quo special interests.

Fortunately, this fear is greatly overblown. First of all, both sides tend to be highly sympathetic to each other's goals. The major reason the two proposals do not conflict, however, is timing. Conservative proponents of a consumption tax recognize that such a tax could be permitted only following the ratification of a constitutional amendment prohibiting income taxes. That process, which includes congressional debate and passage by a two-thirds vote in each chamber, discussion and ratification by both chambers of the legislatures of 38 states, and a two-year gap between ratification and implementation, means that a real debate over consumption taxes will not occur until early next century.

The flat tax, by contrast, could be debated in 1996 and enacted into law in 1997.

This, needless to say, makes everything appear easier than it actually is. Even with a Republican in the White House, enactment of a flat tax is not a sure thing. Tax lawyers, accountants, and lobbyists who benefit from a complex tax code will fight the proposal, as will those who ideologically support income redistribution. Those losing deductions will probably fight the flat tax as well, and so will many other special interests.

Meanwhile, there is one potential pitfall conservatives must be careful to avoid. There is substantial support among liberal politicians and certain large corporations for a VAT as an *additional* tax on top of the current system (liberals, of course, see the VAT as a money machine that will finance new spending, while some businesses naïvely believe that some of that new money would be used to offset reductions in corporate taxes). These forces are hoping to lure anti-income-tax conservatives into an unholy alliance to push the VAT as the tax reform that would be considered in the short term.

"In our opinion, Mr. Pemburton, you're just not cut out for high tech."

This is a classic bait-and-switch routine. If successful, liberals would get their money machine, and the promises they made, both to the politically naïve corporate chieftains and to conservatives who had hoped to kill the income tax, would be quickly forgotten. Skeptics should remember, after all, that these are the same clever political operators who tricked Reagan into raising taxes in 1982 with the promise that every dollar of new revenue would be matched by three dollars of lower spending. The tax increase went through and Reagan is still waiting for the spending cuts.

If any conservatives are tempted by this kind of deal, they should ask how many countries have ever adopted a sales tax or a VAT and *then* abolished income taxes. The answer is zero. They should ask how many states have adopted a sales tax and then eliminated an income tax. Once again, the answer is zero.

Some conservative sales-tax or VAT supporters think they can control the process once it begins and simply add a provision eliminating the income tax to VAT legislation once it reaches the floor. If so, they have their work cut out for them. The flat tax has been around for 15 years. It has had hearings. Bills have been introduced, and there is a comprehensive strategy to enact it into law. As this article went to press, however, there is no bill in Congress that would eliminate the income tax, no hearings have been held, and no thought has been given to some extremely important issues such as what happens to the Social Security (income-based) tax, how to keep states from imposing their own huge income taxes (just what we need, 50 IRSs), and how to sway public opinion.

With that in mind, conservatives should unite behind the flat tax as the short-term strategy. The current income-tax system punishes the economy, imposes heavy compliance costs on taxpayers, and rewards special-interest groups. The flat tax would reduce the government's power over taxpayers' lives and get the government out of the business of trying to micromanage the economy. A flat tax also would bring us within striking distance of a goal we can all support—total elimination of the income tax. □

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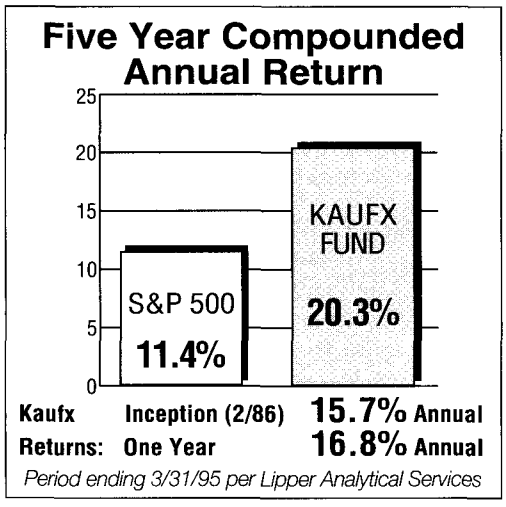

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A Law unto Itself

WAR ON THE POOR

The Legal Services Corporation, intended to give the poor access to the courts, instead empowers radical lawyers. Will the Republican Congress dare to get to the root of the problem?

RAEL JEAN ISAAC

WHEN Marvin Gempler, manager of the Washington Growers League in Washington State, wrote to the Legal Services Corporation in Washington, D.C., to complain about the onslaught of cases against farmers by Evergreen Legal Services, he received with his reply a copy of an article: "The Quest for Justice: Why Does It Have Enemies?"

For too long, the LSC has been identified with the quest for justice for the poor in civil cases. In fact, the programs funded by the LSC—which was established by Congress to provide federal funds to and loosely "monitor" more than three hundred programs across the country—are designed to implement the philosophy of an elite corps of Sixties-style radicals (Green Berets of the Left, as one critic termed them) who use the poor as tools, and then leave them behind as victims.

This may sound like an unduly harsh description of a program that has become moral apple pie. But if we look at the Legal Services system not in the abstract terms in which it is sold to the public—as "equal access to justice for poor people"—but as it works in the real world, its chief victims are indeed the poor, whether it be rural farmworkers, urban tenants of public housing, or low-income people in general.

Consider, for example, the impact of Legal Services programs on the small-scale American farmer and the farmworkers he employs. The pattern is the same from New England to Washington State, from Florida and Texas to Ohio and Pennsylvania. A farmer who employs seasonal labor receives a "demand letter" from his local Legal Services program. Typically the letter tells the farmer that the program has been retained by a number of farmworkers who work, or worked, for him (often unnamed); that he is in violation of a number of provisions of the Migrant and Seasonal Farm Workers Protection Act (MISPA) of 1983, for which he can be assessed $500 per worker per violation; and that if he does not want the expense of federal litigation, he had better settle the claim quickly. There is a name for a threat that if you do not pay up it will be the worse for you—extortion.

Some may have visions from old movies of oppressed farmworkers living in subhuman conditions and badly in need of lawyers to establish their rights. However, labor camps are now generally inspected by the Department of Labor, the Occupational Safety and Health Administration, building inspectors, fire inspectors, the Department of Public Health, and more. As a result, Legal Services complaints focus primarily on technical violations, bread-and-butter wage claims, and what Robert Haas—who represents farmers hit by Legal Services suits in the mid-Atlantic states—calls "throw it on the wall stuff, hoping some of it will stick."

Take the failure to post a sign, a favorite item in Legal Services demand letters. Under MISPA, farmers must post a certificate that the farmworkers' housing has been approved by the relevant authorities prior to occupancy. Judy Mauch, who runs Mauch Farms in Ohio, is currently fighting a Legal Services lawsuit that, among other things, charges that there were people living in the labor camp before it was licensed. "We were approved," says Mrs. Mauch. "We had a letter of approval, but the certificate was still being processed in Columbus so it was not yet posted. They're suing us for that. It's enough to drive the farmers crazy."

A Fight to the Death

WHAT is most striking about these cases is their disproportionality: the disproportion between the claimed injury and the restitution demanded, and the disproportion between the resources of the farmer and the resources of the Legal Services attorneys. Ryan Edgley, an attorney in Yakima, Washington, describes a case brought by Evergreen Legal Services on behalf of 11 farmworkers who claimed

Mrs. Isaac is co-author, with Erich Isaac, of The Coercive Utopians *and, with Virginia Armat, of* Madness in the Streets.

ILLUSTRATION BY ROMAN GENN

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the foreman had failed to record properly the number of hours they had worked pruning trees. The total wage claim amounted to $2,500 over a five-month period. Yet Evergreen sent a demand letter to the grower saying he owed $143,000. How did they get from $2,500 to $143,000? For starters, they claimed that the failure to record the hours properly constituted four violations of MISPA, for each of which each of their clients was entitled to $500. While Edgley feels the case may well be settled for a small amount, Legal Services attorneys will have forced the grower to spend tens of thousands of dollars in legal fees.

The playing field here is sharply uneven, for, as Marge Jacques, an apple grower in western Maryland, puts it, "They're spending money that doesn't belong to them. You're spending your own." In January 1995, Ohio growers sent a letter to their legislators, appealing to them to do something about ABLE (Advocates for Basic Legal Equality). The farmers wrote: "ABLE routinely shows up at depositions with three and four attorneys and always has four attorneys at pre-trial conferences. What would you do if your personal attorney showed up with four of his partners plus paralegals and charged you for all these lawyers doing the same thing?" (Legal Services suits are typically brought under statutes that permit fee shifting, and so farmers wind up paying not only their own attorneys but also the Legal Services attorneys, although the latters' salaries and expenses are wholly paid by the government.) Because of the costs, the farmer is ill-advised to fight, no matter how strongly he feels he is in the right. Libby Whitley, who for many years worked on labor issues for the American Farm Bureau, says, "You fight to the death and it *is* the death. You might win on principle but you've lost the farm."

Legalized Terrorism

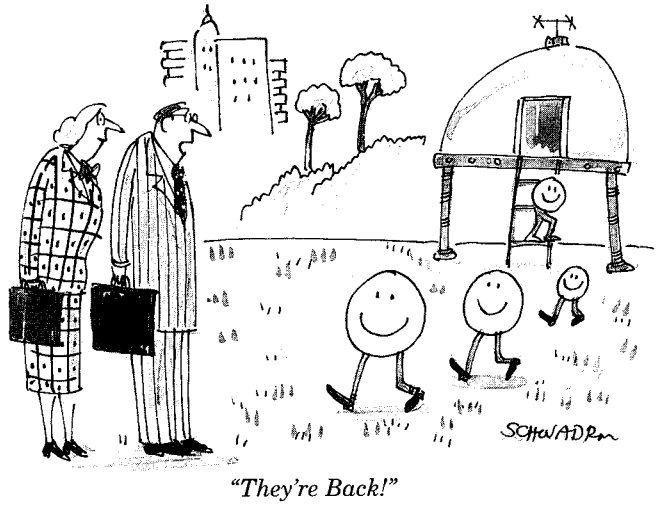
WHILE labor-intensive agriculture is everywhere under assault, Legal Services has specially targeted farmers who participate in the H2A program (known as H2 until 1988), which brings in temporary foreign workers to harvest crops when sufficient domestic workers are not available. Although the program is so heavily regulated that it has been called the "clean jeans of the farming business," Legal Services attorneys have long been hostile to it on ideological grounds, stating frankly in newspaper interviews, speeches, articles, and congressional hearings that their goal is to put the program out of existence.

Legal Services attorneys set out to achieve their aim through a blizzard of lawsuits. In western Maryland six orchard owners found themselves the target of 175 administrative complaints and 15 federal lawsuits in 1983–85. Through this "legalized terrorism," as one grower described it, Legal Services eliminated the H2 program and in the process closed down all the orchards of commercial size in western Maryland.

Legal Services has now targeted growers in West Virginia who used the H2A program. A Legal Services attorney dug up a forgotten statute, the West Virginia Wage Payment and Collection Act of 1884, passed to protect coal miners from having all their wages deducted in the company store. (When grower Doug Dirting went to the Department of Labor in Charleston to obtain copies to post on his property, no one there had heard of it; with an employee, he rummaged through old boxes of papers in the basement to find it.) The Act specified that an employer could not deduct more than 25 per cent from a worker's pay. What made the Act a lethal weapon for Legal Services was that in addition to the small deductions the growers made for insurance and food ($5 to $7 for three meals a day) they also, because of agreements between the Jamaican worker and his government, deducted 23 per cent of a worker's salary and paid it into the National Bank of Jamaica, where it was held for him until his return. Attorney Tom Wilson explains: "The Jamaican government wants a certain amount of wages to be sent back to be sure the guy doesn't go AWOL, which is of benefit to the U.S. Government, which doesn't need INS people chasing them. So what you have is Legal Services frustrating something that is in the interest of the Jamaican worker, the Jamaican government, and the U.S. Government—and being paid by the U.S. Government to do it."

Nor was this the only trump card uncovered by Legal Services attorneys. They found a discrepancy between the job order the growers signed with the Department of Labor—specifying workers would be guaranteed employment for three-quarters of the period on the order—and the master contract between the growers' association and the West Indies Central Labor Association, which required that workers be given 10 days' notice. Growers had followed that contract for decades without objection from the Department of Labor.

Legal Services has brought a number of suits against the growers for violations of both the Wage Payment and Collection Act and the so-called "three-quarter rule." It has piled up every possible penalty, including 30 days' "liquidated damages" (basically 30 days' wages) per worker per year at compound interest on each count. Vicki Dirting has calculated that for 1987 alone she and her husband, Doug, would be liable for $83,000.



"They're Back!"

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Robert Haas says these suits "could wipe out the whole apple industry of West Virginia." After ten years of litigation, neither issue has been tried on the merits, but the costs of these essentially frivolous suits have already driven some growers into bankruptcy and threaten to eliminate all of them, before the legal issues are even resolved.

Even when there are substantive problems—and no one disputes that farmworkers often have real grievances—most could be easily solved, given good will, without litigation. A decade ago, a woman who had served as a paralegal and then administrator of the Belle Haven, Virginia, office of Migrant Legal Services signed an affidavit describing how she had been *discouraged* from trying to resolve problems: "My method of operation had been to give the growers notice of the nature of worker complaints against them in order to provide them an opportunity to correct the problems."

The objective of the attorney in charge of the office, however, "was to file as many complaints against the growers as possible. He discouraged me from attempting to work out compromises with the growers, going so far as to tell me that if the growers and crewleaders trusted me so much, I couldn't be doing my job right." She reports one instance in which she discussed housing deficiencies with a Virginia grower and on her follow-up visit saw carpenters repairing the problems. But when she reported the progress to her employer "he instructed me to file a complaint against the grower immediately—before the repairs were finished."

For Legal Services attorneys, the elaborate lawsuits are a game. One can only imagine the triumphant cry of "Gotcha!" from the attorney who came upon the Wage and Collection Act and realized its litigation potential. Tom Wilson, who represented many of the Maryland growers before they were forced out of business, observed at the time: "You have a bunch of political ideologues that are having fun bashing the system. This is sport for them. Indoor sport. Fun."

Conflict of Interests?

FARMWORKERS are as much the victims of this cruel game as are farmers. In Florida, the sugar-cane growers' cooperative employed 1,700 cane cutters under the H2A program in 1988. Within a few years, thanks to a barrage of Legal Services suits, the number had dropped by half. When a journalist with the *Miami Herald* asked an attorney with Florida Rural Legal Services about the role of his program in putting sugar-cane cutters out of work, his response was that he did not know "whether there's any point in having people employed in a situation where they're not paid right." In fact, the Jamaican workers were being paid $40 a day in Florida compared to the $3.10 they would have earned in Jamaica. By 1993 the number of H2A workers in Florida had dropped from a peak of 10,000 to 1,000. Libby Whitley says: "It boggles my mind. If a group of employers had decided to get together and conspire to put 9,000 minority workers out of jobs, everybody would have gone bananas. But Legal Services does it and they're hailed as heroes."

They are not heroes in Jamaica, where farmworkers have woken up—too late. The Jamaican *Weekly Gleaner* belatedly warned its readers that "workers mistakenly believe that they are being supported by the critics of the program [H2A] who they think wish to see them get a better deal. Nothing could be further from the truth. The critics all wish to destroy the program for political reasons." Indeed, the representation of Jamaican workers by Legal Services attorneys raises serious ethical questions. If the attorney's goal is to eliminate the program, his interest is antithetical to that of his client, and he should not be representing him.

Nor is it only temporary foreign workers who lose jobs. Texas Rural Legal Aid all but wiped out vegetable farming in the high plains of Texas. At the height of its campaign, 3,000 of the 16,000 residents of Hereford, Texas, known as the "salad bowl" of the Texas panhandle, signed a petition to the Legal Services Corporation calling for "an end to the political activism, racism, fear, violence, and economic destruction being promoted in our midst with our own tax dollars."

So intent are Legal Services programs on suing farmers that they ignore the interests of their traditional allies, the farmworker unions, on whose behalf they often launch litigation campaigns. For example, the lawsuits brought by Ohio's ABLE persuaded growers to sign on with the Farm Workers Labor Organizing Committee (FLOC), whose leaders had promised that FLOC's grievance procedures would protect the growers from Legal Services suits. But the suits go on, and an angry FLOC has joined with Mauch Farms against ABLE, for, if its grievance procedures are ignored, the union has nothing to offer the growers.

Because farmers often shift to mechanized harvesting when Legal Services moves into high gear in their neighborhood, farmworkers are often the greater victims. In Florida, sugar-cane growers have turned to mechanical cutters, even in soil not well suited for them. South of Dade City, Florida, 80 per cent of snapbeans used to be harvested by hand; thanks to Legal Services, now only 10 per cent are hand-harvested, even though machine harvesting means growing an inferior bean, with a lower market price.

Bizarrely, even as Legal Services programs were forcing small farmers into mechanized agriculture, Legal Services was bringing suit against research into agricultural mechanization on the grounds that mechanization favored corporate agriculture over the small family farm. In 1978, California Rural Legal Assistance brought suit against the University of California at Davis to prevent research on new varieties of fruits and vegetables and on new agricultural machinery. The suit dragged on for 11 years; by 1989 Legal Services had lost on every single count, and millions of taxpayer dollars had been frittered away. "A very poor use of their resources and a terrible waste of university resources" is how George Marchand, one of the university's attorneys, sums up the "ag-mech" case.

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Even putting aside the nightmarish consequences of giving "public interest" groups the power to control university research, who would have benefited had Legal Services prevailed? The "small farmers"? The Grange, which represented them, entered the suit on the side of the university. The farmworkers? But Legal Services was everywhere busy putting them out of work. Poor people in general? But mechanization reduces the cost of food, which especially benefits the poor. The suit was typical of Legal Services. *In no one's interest*, it was a multi-million-dollar plaything to harass and frustrate the "establishment."

Next Victims

THE URBAN poor have suffered equally at the hands of Legal Services. Wallace Johnson, head of the Public Housing Authorities Directors Association (PHADA), has said: "Drugs are the No. 1 issue facing managers of public housing in America today." Nonetheless, Legal Services programs have launched a war to preserve drug dealing in public housing. It must be stressed that representation of drug dealers is not an occasional misstep on the part of an aberrant Legal Services program, but a systemic, pervasive activity. The problem first became apparent in 1989. After a policeman was shot to death in a drug raid in a public-housing project in Alexandria, Virginia, Jack Kemp, then Secretary of Housing and Urban Development, wrote to all 3,300 public-housing authorities asking them what was the extent of the drug problem in their projects and what in their judgment could be done. In a flood of letters, PHA directors cited Legal Services as the chief impediment to eliminating drug dealers from public housing.

To quote one typical response, from S. R. McDaniell Jr. of Orlando, Florida: "Tenant evictions are required when the sale and use of drugs are uncovered, *but* this is always hampered by the Legal Services Corporation's lawyers. . . . [W]e are immediately informed by the tenant's 'free' lawyer that we cannot evict them."

Because some in Legal Services dismissed as "anecdotal" the evidence given by McDaniell and the many other PHA directors who echoed him, David Wilkinson, then the LSC inspector general, initiated two surveys, one of public-housing authorities, the other of Legal Services programs. Perhaps the most damning single finding was that the housing authorities had elected to bring eviction proceedings on other grounds in over nine hundred drug cases. Wilkinson quoted one survey respondent: "Our recent experience supports avoiding any action against any tenant on a drug-related charge wherever it is possible to proceed with other lease violations as a viable alternative." In other words, the tenant who failed to pay rent, or was guilty of other non-drug-related lease violations, was left to his fate. But the drug dealer, or the tenant who harbored one, had an instant champion in Legal Services.

Little has changed since 1991, when Wilkinson completed his surveys. In 1992 a young attorney named Philip Stinson submitted an article to *Clearinghouse Review*, the Legal Services journal, in which he outlined how nuisance-abatement acts, some of them specifically designed to deal with drug-related activity, could be used to cleanse public housing of drug dealers. *Clearinghouse Review* did not publish it. PHADA's Wallace Johnson says flatly, "To the best of my knowledge we have never received any support from any Legal Services lawyer anywhere in the country assisting us in efforts to help us get rid of these thugs."

The improvements that have occurred are despite Legal Services efforts to undo them. Overcoming vigorous opposition from Legal Services, Jack Kemp altered HUD rules to provide that in drug-related cases, housing authorities could go directly to court to seek eviction, without having to go through prior administrative hearings. According to John Waddy Jr., the attorney for the Housing Authority in Columbus, Ohio, the change has cut the process from six months or more to 45 days. The benefit goes beyond the saving in time. Bud Albright, who was Kemp's assistant at HUD, points out that formerly the housing authority had to prove its case twice. By the time the case reached the courts, the drug dealer had found out who the witnesses were, and, says Albright, "He would pay a visit and say, 'Gee, you think I bother your children now, I wonder what they'd look like in a wooden box?' Of course that would keep them from testifying, and you'd get to court and be unable to evict them."

Where housing authorities find Legal Services a less serious problem than five years ago, it is because they have fought hard and won in the courts. John Hiscox, head of the Housing Authority in Macon, Georgia, who at the height of the crack epidemic was dealing with close to three hundred drug evictions a year, says: "Legal Services would pull out all the stops. You would think it was a murder trial. We would have jury trials; teams of Legal Services attorneys would prepare for these things. Sometimes we would have up to $8,000 worth of legal fees in one case. What eventually helped was that we won them. We won the overwhelming majority."

Keeping public-housing projects free of drugs requires more than the ability to evict drug dealers; screening to keep known criminals from moving in is also essential. Here, too, Legal Services throws up roadblocks to the most modest efforts to ensure the safety of residents. In 1994, the Atlanta Legal Aid Society brought a class-action suit against the Atlanta Housing Authority on behalf of those who had been denied admission on the grounds of their criminal history. Although the AHA denied housing only to those with criminal histories *in the last three years*, Legal Services argued it was unfair to exclude people who had been "successfully rehabilitated" as evidenced by their completing their sentence, probation, or parole! The Americans with Disabilities Act is providing Legal Services yet another handle. "All of a sudden," says John Hiscox, "screening out someone who is a substance abuser is screening out someone with disabilities, which is a protected class."

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Legal Services attorneys offer a variety of defenses for their involvement. In the case of the drug dealer, an individual is innocent until proved guilty. In the case of a tenant whose son uses the premises for drug dealing, the innocent should not be punished for the sins of the guilty. But those who work and live in public housing point out the suffering that Legal Services attorneys inflict upon the vast majority of residents who, as Violet Chandler, an attorney with the New York City Housing Authority, says, "want to be able to go to the door, put the key in the tumbler, without worrying about a bullet smashing into the back of their head." As for punishing "innocent" family members, Violet Chandler points out: "This family is living large because they're benefiting from that one person who is selling drugs. You walk in, and they've got a 54-inch TV, a Nordic Track, a state-of-the-art stereo system."

Shamelessly, Legal Services programs sue housing authorities for the very conditions their lawsuits make inevitable. In the June 1994 *Clearinghouse Review*, literally sandwiched between reports on two suits brought by Legal Services programs on behalf of tenants who could not "foresee" their sons' drug dealing, is a report on a suit brought by Southeastern Massachusetts Legal Assistance Corporation against the New Bedford Housing Authority. The projects, claimed the suit, "were plagued by drug-related crime," and the housing authority "violated a state law requiring PHAs to take action against persons involved in drug dealing and acts of violence on housing authority property." First Legal Services stops the housing authorities from screening out drug dealers; then it protects the drug dealers from eviction; then it sues the housing authority because there are drug dealers.

Encouraging Poverty

IN CHOOSING drug dealers and their enablers as clients, Legal Services programs demonstrate the same elitism, the same sportiveness and contempt for the poor, as in their suits against farmers. It is in the welfare area, however, that Legal Services has wreaked its greatest devastation on the poor.

A number of writers have now identified fatherless families as the chief cause of violence among young males, and the widely used term "feminization of poverty" is no more than the recognition that single women raising children are likely to be poor. Yet as James Wootton, who heads The Safe Streets Alliance, points out, the explosion of fatherless families can be traced to LSC litigation. In a series of cases beginning with the landmark *King* v. *Smith* in 1968, Legal Services has attacked any "moral" conditions that states have attached to welfare, on the grounds that such conditions amount to unconstitutional discrimination. In 1973, Newark–Essex Legal Services won a suit against the state of New Jersey, which had limited its family-assistance program to married couples with children. Subsequently, Legal Services programs brought a series of suits whose end result was to entitle children having children to their own separate Aid to Families with Dependent Children (AFDC) check and their own government-funded apartment. Although Congress had specified that food stamps were to go to families, a Legal Services support center successfully challenged this provision on the grounds that to treat the family differently from other groups discriminated against households of "unrelated individuals."

In a real sense, Legal Services is a giant enabling program for dysfunctional behavior. Although poor young girls who have children are on a surefire path to a life of dependency, Legal Services programs explore ways to achieve ever more "rights" for what they euphemistically term "parenting adolescents." A recent article in *Clearinghouse Review* raised the possibility that a high school's failure to provide on-site child care could be subject to legal challenge. Over the last several years, Legal Services suits have put monthly government disability checks into the hands of some 250,000 alcoholics and drug addicts.

Currently Legal Services programs are on the ramparts, fighting welfare reform. In 1988 Congress passed the Family Support Act, encouraging states to obtain waivers of normal federal AFDC requirements to try to devise a better welfare system. Some seek to discourage illegitimate births by denying extra benefits to mothers who have additional children while on welfare; some set a time limit on benefits; some require work or training for work in exchange for benefits.

Determined to stop most such efforts in their tracks, Legal Services programs have sued California, New York, Michigan, Minnesota, Wisconsin, and New Jersey, among others. The New Jersey case has become the standardbearer, whose result will affect other states that have enacted welfare caps for mothers who have additional children. Legal Services is arguing that a benefit cap interferes with a woman's right to procreate and—an imaginative ploy—violates laws (designed to regulate medical experiments) prohibiting experimentation on human subjects without their informed consent.

Given the level of activity against even modest state reform efforts, Legal Services programs are certain to mount a massive onslaught against any congressional legislation to reduce welfare dependency. Despite overwhelming evidence that policies favoring families are the most likely to help the poor escape poverty, Legal Services attorneys are as committed as ever to treating each man, woman, and child as an isolated entity, whose umbilical cord is to the government.

The ways in which Legal Services victimizes the poor go on and on. In their prison-conditions suits, Legal Services programs pit the interests of the law-breaking against the law-abiding poor. This is because the costs of implementing the improvements imposed by the courts are extremely high, absorbing scarce city and state dollars that could otherwise go to public services benefiting the law-abiding poor. Worse, these suits dump large numbers of felons back into the community, where the poor become their chief prey.

In 1974 the Legal Assistance Foundation of Chicago, a

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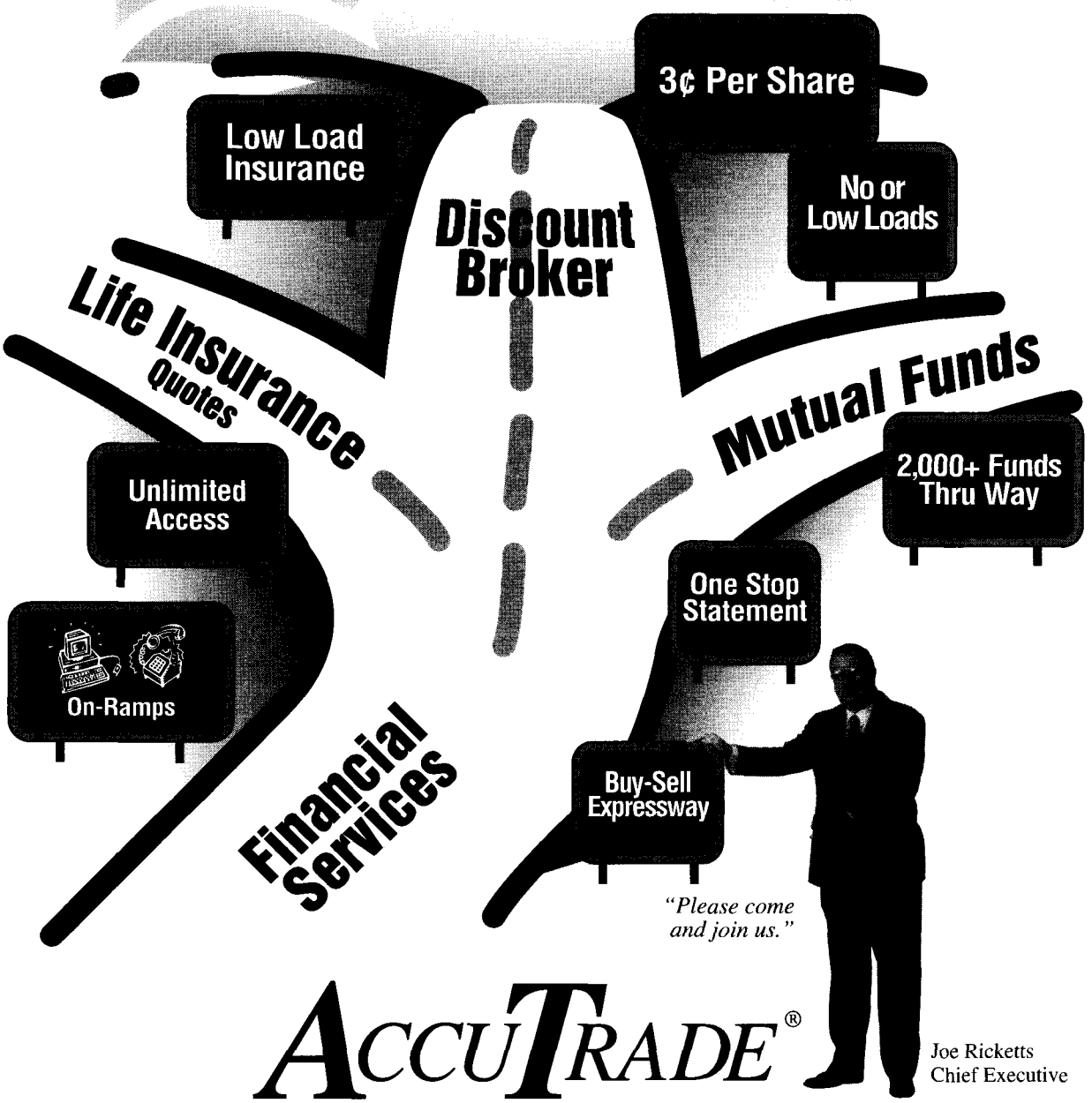

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Legal Services program, filed a suit against the Cook County jail system which has already brought the Foundation a bonanza of $660,000 in legal fees and continues with no end in sight. Michael Mahoney, president of the John Howard Association, which monitors court orders and consent decrees arising from the litigation, says that as a result of the prison "population cap" that has been established, as many as 36,000 felons have been released in a single year.

Legal Services plays an important role in virtually all prison-conditions litigation, though often behind the scenes. In many cases which are filed *pro se*, with the prisoner initiating the suit, the judge will eventually appoint counsel from a major law firm. Says Mahoney: "They assign a young associate who hasn't a clue about prison litigation and they use Legal Services Corporation and local [Legal Services] organizations. They may not be counsel of record but they clearly have a major role to play in a clearinghouse, technical assistance effort."

Almost Smothered at Birth

SURPRISINGLY, in view of its subsequent resilience, the Legal Services Corporation almost died at its birth in 1974. Originally created under President Lyndon Johnson as a subdivision of the newly established Office of Economic Opportunity, Legal Services was the subject of 1974 legislation to make it an independent entity. According to Howard Phillips, who was briefly head of the OEO, President Nixon promised a group of conservative senators that he would veto the bill establishing the Corporation. But Nixon backed down when liberal senators warned him that to keep the money to pay his Watergate lawyers, he would have to give up his opposition. The bill establishing the Legal Services Corporation was one of the last Nixon signed; he left office two weeks later.

When Ronald Reagan became President, one of his avowed aims was to eliminate Legal Services, which had expanded greatly in the Carter years, when Hillary Clinton was chairman of the Corporation board. But because he wanted to close the Corporation down, Reagan made the fatal strategic error of failing to appoint his own board to oversee it. This gave the field programs and Corporation staff time to organize a vast (illegal) grassroots "survival" campaign and to transfer what the self-styled "generals" in this campaign called "the rubies"—the most political parts of the program—to outside entities (along with the money to finance them) for the duration of the Reagan era.

The lobbying campaign was a brilliant success. Reagan was unable to kill the program, and the board he finally appointed could do little to rein in local programs. To add insult to injury, Republican Senator Warren Rudman emerged as the chief champion of Legal Services. His strategic position as chairman of the Senate Appropriations subcommittee overseeing the LSC permitted him to veto each and every initiative of the Reagan-appointed board, from major ones like closing down the national support centers, which served as radical think tanks for the system, to housekeeping matters such as purchasing computer hardware to facilitate data-keeping (and thus accountability).

Legal Services' triumph was capped when its former board chairman became First Lady. The new Clinton-appointed board, headed by Douglas Eakeley, an old friend of Bill Clinton's at Oxford and Yale Law School, was made up almost entirely of former staff attorneys on local programs or members of their boards. Included on the new board was Hulett (Bucky) Askew, who had been one of the "generals" in the campaign to save the "rubies." In effect, the LSC had been taken over by the organizations it was required to oversee.

The new board moved quickly, appointing a small transition team that included some of the most militant elements in the Legal Services "movement." For example, Ada Shen-Jaffe, executive director of Evergreen Legal Services, was a member of the team. Only two years earlier, the LSC's monitoring staff had ruled that "Evergreen Legal Services systematically violated the LSC Act and regulations over a period of years." Among the most serious violations was the involvement of Evergreen staff attorneys in suits in support of political projects of the National Lawyers Guild, which one Evergreen attorney described as a "charitable organization" and which Evergreen, in its official defense of its actions to the LSC, called a "community group."

This description of the National Lawyers Guild is worthy of going down in the annals of the Medes and Persians. The Guild is a far-left organization, whose annual resolutions have included attacks on the American system of justice for being "used to hound, attack, imprison, and execute the oppressed minorities, workers, and political activists." Some years ago its incoming president (formerly a Legal Services staff attorney) announced that the organization's primary goal was "direct control by the people over the resources of this country. . . . We want not just a piece of the pie, but the whole damn pie shop." In replying to Evergreen, the LSC's then president, John O'Hara, noted drily that the NLG "bears no apparent resemblance to the local church, . . . the local Rotary Club, . . . the Boy Scout troops and Little League, . . . contemplated by members of Congress in permitting uncompensated outside practice."

Most of Evergreen's staff attorneys and paralegals are dues-paying members of the National Lawyers Guild. Ironically, because Legal Services programs pay staff members' dues for legal associations to which they belong, it is, as Howard Phillips observes, the taxpayer "who keeps alive left-wing relics of the 1930s by giving them money."

Not surprisingly, the first action of the transition team was to emasculate the LSC's monitoring program. One-half of the professional staff (14 of 28) of the Office of Program Evaluation, Analysis, and Review (OPEAR) was summarily fired. The chief function of the LSC—monitoring the grantees' use of LSC funds—was effectively ended. John Tull, a member of the transition team, who had served as a private consultant to Legal

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FLOODS AND RED TAPE

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Contents

Floods and Red Tape page 1
West World page 2
Arming the Enemy page 6
West Coast Observer page 8

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WHEN the levee broke on the Pajaro River in mid-March, several thousand people in and around the town of Pajaro, California—southeast of Santa Cruz—were driven from their homes by sewage-tainted floodwaters. More calamitous was the destruction of thousands of acres of crops valued at $20 million, along with the livelihoods of hundreds of farm workers and their families. Many residents blamed an endangered salamander for their woes. Not quite, but they're on the right track.

The story began when the Army Corps of Engineers built the Pajaro River levees not long after World War II, and then turned flood-prevention maintenance responsibilities over to the local counties. The river's south bank is in Monterey County and its north bank is in Santa Cruz County, but the latter assumed sole maintenance responsibility by mutual agreement.

Some forty years later, in 1988, Santa Cruz County officials became aware that the Pajaro river bed had become dangerously overgrown with

(Continues on page West-5)

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WEST WORLD

■ California Governor Pete Wilson underwent surgery to remove a benign nodule from a vocal cord. Rumors that he'd undergone a charisma transplant are apparently unfounded.

■ We can't say that the Simpson trial has reached a new low. That would be impossible, or at least improbable. But when Simpson's lawyers—paragons of tolerance and scourges of racism all—celebrated the blistering cross examination of LAPD criminalist Dennis Fung by passing out fortune cookies and cracking wise about Fung's Chinese surname inside the courtroom on April 13, it certainly reached a new level of surreal mayhem. One of the fortunes reportedly read: "These things too will pass. But don't hold your breath."

■ In Salem, Oregon, the State Court of Appeals has held McDonald's liable for $375,000 in damages resulting from a car accident in which one of its employees fell asleep at the wheel on the way home. Apparently he had worked 12 hours in a 17-hour period, which the court thought excessive. This bodes ill for the already-weakened Protestant work ethic in America. Siestas anyone?

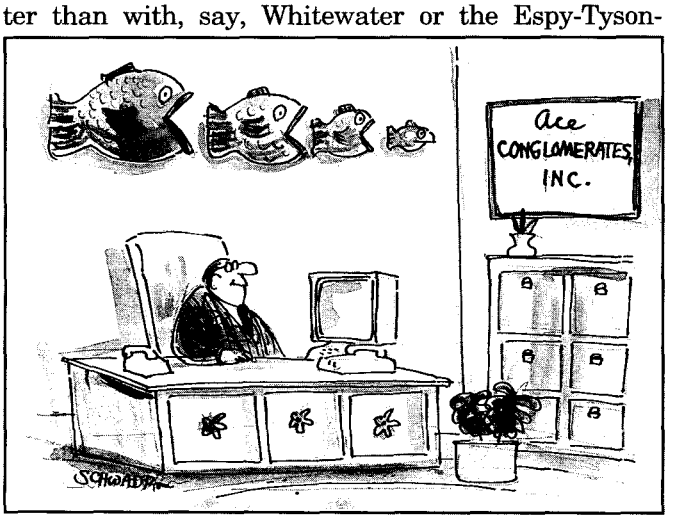
■ In a related incident, San Francisco Superior Court Judge James Warren has ruled that the manufacturer of a gun used in a crime can be held liable for criminal use of the weapon. This unprecedented decision was handed down in a case involving the 1993 murder of eight people in a San Francisco law firm by Gian Luigi Ferri, who killed himself after the shooting spree. The defendant in the case is Navegar, Inc., of Miami, manufacturers of the TEC-DC9 pistol, which everyone admits was legally manufactured, distributed, and sold. The lawsuit was filed on behalf of the victims and their families by the Center to Prevent Handgun Violence. Dennis Henigan, a Center lawyer, argues that despite the legality of the gun, the manufacturer should be held liable because the gun has "no legitimate purpose." We wonder what legitimate purpose can be served by admitting such nonsense into a court of law.

■ The debate emerging from California over ending affirmative action continues apace. The State Democratic Party took a strong pro-affirmative action position at their annual convention in April. President Clinton flew West to speak to this convention and, at long last, to clarify his own principled position. He supports affirmative action, he said. He opposes reverse discrimination, he said. Gotcha! The President also appealed to delegates to understand that affirmative action has "psychologically [brought about] a difficult time for a lot of white males." Then he crowed that "The Small Business Administration under my administration last year increased loans to minorities over two-thirds, to women by over 80 per cent, but did not increase loans to white men." Huzzah?

■ On the same topic, columnist Charles Krauthammer calls the liberal media's spin on the anti-affirmative action bandwagon—that it represents a revolt by white males—a "willful distortion by way of a fact." It is true, as a recent ABC poll shows, that over 80 per cent of white males oppose affirmative action. But the same poll shows that 77-79 per cent of white women are also opposed to it. Recent polls in California even suggest that 40-50 per cent of Hispanics and blacks are opposed to it. In the old days this would have been called the fundamental fairness and decency of the American people.

■ Beverly Hills attorney A. Thomas Hunt, one of Southern California's leading affirmative action lawyers, has helped force quotas on police and fire departments, schools, and even nightclubs throughout Southern California since the 1970s. Now this Defender of Diversity has been charged with diverse felonies—six in all—for stealing from his clients and practicing without a license. Hunt's former clients, aspiring victims of all descriptions, are reportedly feeling shocked, betrayed, and—yes—victimized again! The State Bar has shelled out reimbursements to many of them—from a fund for victims of dishonest lawyers. Come to think of it, maybe we should all get a piece of that action.

■ The Sagebrush Rebellion is still burning like a prairie fire in a strong wind. The U.S. Department of Justice—which seems more preoccupied with this matter than with, say, Whitewater or the Espy-Tyson-



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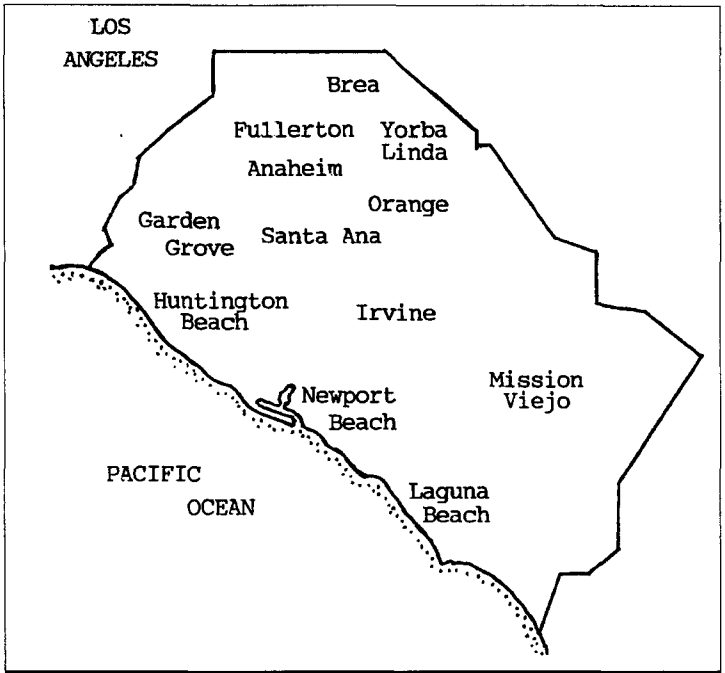
THE ORANGE COUNTY OPPORTUNITY:

Downsize and Privatize Without New Taxes

By Chris Norby
Fullerton City Councilman and Candidate for the California State Assembly from the 72nd District



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Chris Norby is a 10-year Fullerton City Councilman and candidate for the California State Assembly.

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Clinton connection—estimates that since the late 1980s, thirty-five counties in the Western states have passed ordinances or resolutions claiming ownership of all federal lands within their jurisdictions. The Justice Department estimates that 35 more counties are considering such resolutions or ordinances right now. These estimates may be low. Sagebrush rebels say there are ten times that number of local governments considering anti-federal regulations, a tenth of them in California. Look for politicians campaigning in the West to have to stand up and declare "Who Owns the Sticks" in '96.

■ With ten years as "principal chief" of the Cherokee Nation under her belt, Wilma Mankiller is stepping aside. She is praised by her many admirers for returning the matrilineal tradition of the Ghigau (Beloved Woman) to the Cherokee—this tradition having been watered down over the years through contact with Europeans. Probably more important to her great success in building the Cherokee Nation's "enrolled membership" from 7,000 to 170,000, however, was her message of taking full advantage of the federal welfare system. Mankiller—who learned her politics as a college student in San Francisco during the '60s and took part in the 1969 takeover of Alcatraz Island—admits that half of the Cherokees' revenue today comes from federal programs and grants. Dozens of bands of newly "enlisted" American Indians—reportedly 30 groups in California alone—are even today seeking federal recognition, which increases access to these federal programs and grants. Needless to say, in her farewell tour through the Nation, Mankiller is getting in her shots at welfare-reforming Republicans for what she calls their "slash and burn" mission against her people. You've come a long way, Ghigau baby!—from feeling deeply insulted at the Great White Father's paternalism to whining for more.

■ Many are predicting that Paradise will soon legalize same-sex marriages—not deliberatively through an elected legislature, of course, but by judicial fiat. The Hawaii Supreme Court has already rejected the argument that "marriage is by definition and tradition between men and women," saying that this constitutes "circular and unpersuasive" reasoning. For now at least—and we hope and believe for a long time hence—this circular argument will remain unbroken in Utah, whose legislature—concerned about the legal effects there of the Hawaiian judiciary's sexual adventurism—acted in March to make recognition of same-sex marriages illegal. Alaska is reportedly close behind.

■ Governor Pete Wilson is facing questions on the presidential campaign trail about a certain $7 billion tax increase on Californians back in 1991. He explains that he was forced to accept this bitter pill by the Democratic legislature, in order to get the spending cuts he wanted. Democrat Assembly Speaker Willie Brown remembers it differently: "The little Marine always prides himself on being moved by principles and practicality rather than force," Brown says, claiming that Wilson "came to the table with [a tax hike] in mind." And if our painful memories serve us well, the Speaker has a point.

■ Last month we reported on millionaire "Sammy the Kid" Donaldson's collection of $97,000 in federal wool and mohair subsidies. Now word has leaked out that the liberal ABC commentator has fired an injured long-time employee. Gilbert Salas has worked on Donaldson's 11,000-acre New Mexico ranch for almost three decades, but recently hurt his back on the job and was apparently too slow to mend. Explained Donaldson—who as far as we know was not a vociferous critic of Clinton-style socialized health care, which supporters said was partially necessitated by callous millionaires who treat their employees like dirt—Salas "never worked very hard" over the last 27 years anyway. Oh yeah, and Donaldson handed Salas $504 in medical expenses on the way out the door.

■ The "Hard Time for Armed Crime" initiative in Washington State would allow for stiffer penalties—including the death penalty—for gang-related crimes such as drive-by shootings. Democrat State Senator Dwight E. Peltz represents the high-crime area of southeast Seattle, and so you would expect him to back such an idea. Instead he is condemning it as "probably racist." All we can figure is, with the good citizens of his district afraid to leave their homes, he needs the gang vote to keep his seat. This gives new meaning to the term "motor voter."

■ California Congressman Richard Pombo chairs the House task force which is charged with rewriting the federal Endangered Species Act. Having just completed a series of hearings in the Southern states, the task force is riding circuit in the West. Many of those testifying have lost jobs or homes as a direct consequence of the current law (see, e.g., "Floods and Red Tape," p. 1). Clinton administration officials criticize this process as "government by anecdote." Presumably they would restrict testimony on environmental regulation to Hollywood stars who have the time and money to fly to Washington at a moment's notice and whose lives in Malibu and Beverly Hills are for the most part insulated from the consequences of their misguided good intentions.

■ Speaking of entertainers, *Los Angeles* magazine has "outed" five Hollywood celebrities, not for being homosexual, but for being conservative. It reports that Tony Danza, Kelsey Grammer, Gerald McRaney, Kurt Russell, and Pat Sajak will join Tom Selleck in hosting a summer fund-raiser for Newt Gingrich.

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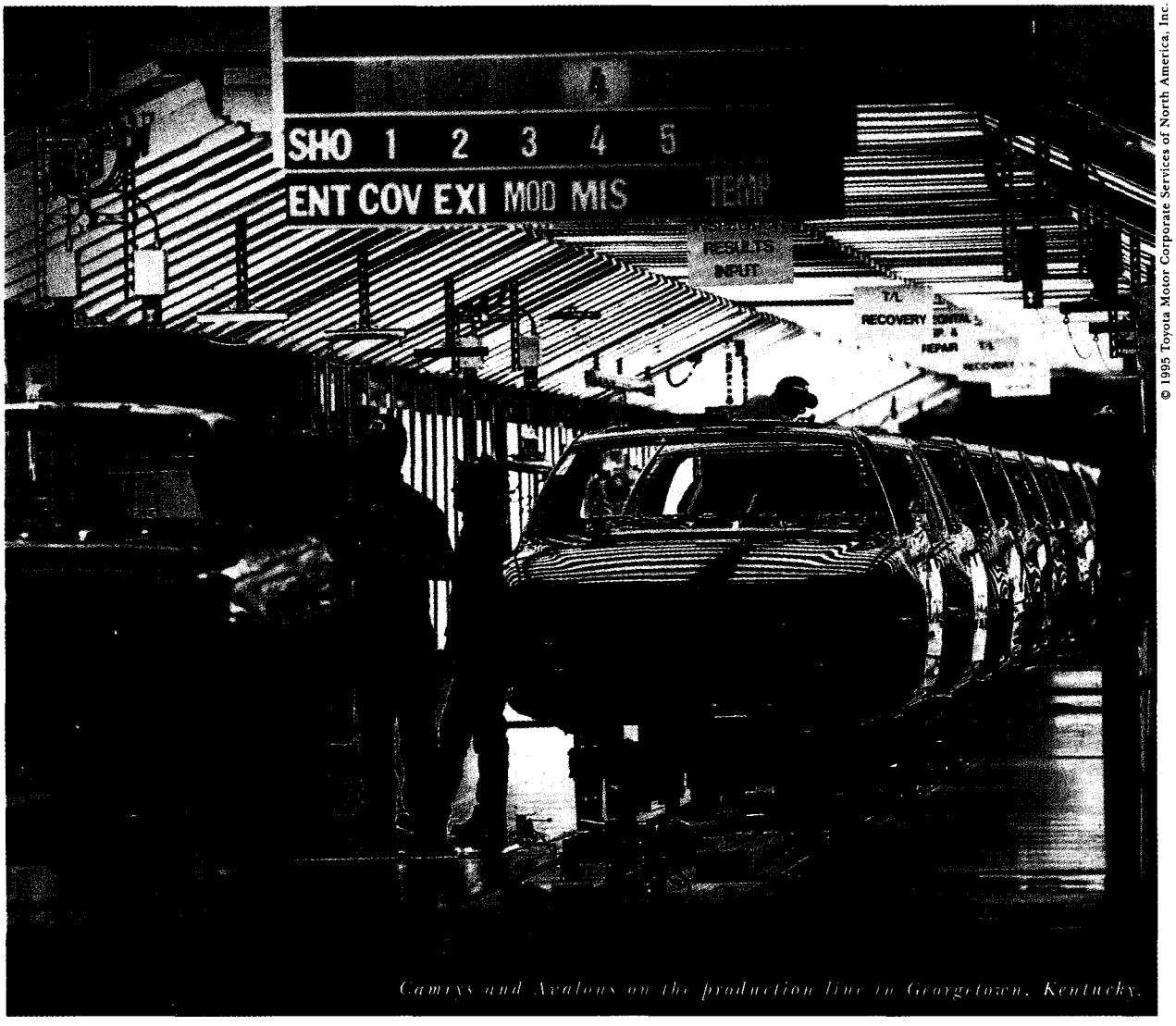

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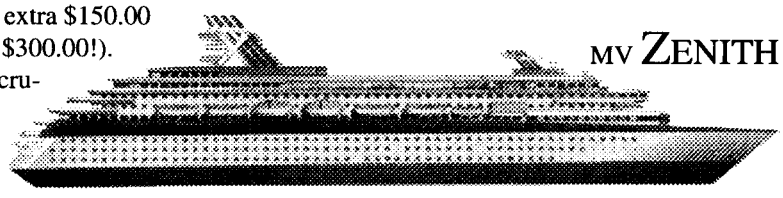

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CREQUE
(Continued from page West-1)

vegetation, inhibiting the river's ability to carry the levee design capacity of 19,000 cubic feet per second in the event of a winter flood. Naturally, they applied for the necessary permits to clear the channel.

BUT the permit process quickly ground to a halt. Environmentalists, it seems, were concerned less about flood prevention than about the effect of river bed clearance on the Santa Cruz long-toed salamander—a two-to-three-inch-long creature, black with yellow or orange spots on its back. Because this salamander had been listed both federally and statewide as an endangered specie, no work that might even possibly disturb its habitat could proceed without approval by the U.S. Fish and Wildlife Service and California's Department of Fish and Game.

President Clinton's current chief of staff, Leon Panetta, was at that time the congressman from Monterey, and proposed that a study of the flood risk be undertaken by the Army Corps of Engineers. This didn't happen, but the U.S. Fish and Wildlife Service did require Santa Cruz County to commence a two-year study of the Pajaro River habitat. Over the course of this study, traps were set to obtain an estimate of the population of Santa Cruz long-toed salamanders in the river bed. After two years, the traps turned up surprising results—no salamanders at all!

Actually, this should not have been surprising, for the simple reason that—as unbiased, unintimidated biologists could have told everyone from the beginning—the Santa Cruz long-toed salamander doesn't inhabit rivers or streams. Rather it lives in "ephemeral pools," the charmingly named seasonal ponds that appear after winter rains and dry up during the summer.

Had the California drought broken in the winters of 1988-89 or 1989-90, while this wasteful and unnecessary study was being conducted, the wrath of flood-stricken local residents being directed toward the salamander would have been justified. But the drought did not abate in those years, and once the Pajaro River was finally declared free of endangered salamanders, Santa Cruz County obtained the requisite permits to clear vegetation from the river bottom.

That doesn't let the bureaucrats off the hook, however. Problems in obtaining permits to undertake flood control measures stem not only from endangered species protections, but also from wetlands regulation under Section 404 of the federal Clean Water Act. Due to the latter, for instance, a California county must apply for a stream bed alteration permit from the state's Department of Fish and Game, and then obtain a Section 404 permit from the U.S. Army Corps of Engineers, in order to alter a river bed or upgrade levees. This requirement would prove to be tragic for Pajaro area residents.

In the winter of 1992-93, California's drought began to break. In January '93, a storm brought the Pajaro River to within four feet of the top of the levees. The Army Corps of Engineers was alarmed, because the storm was rated as only a three-to-five-year event in the context of California's historical weather pattern. In February, the Corps notified Santa Cruz County that there was a danger of flooding under heavy storm conditions.

Beginning in 1993 and on into '94, the county cleared vegetation from a five-and-a-half-mile stretch of the river bottom which was of particular concern. In the course of doing so, it became clear that the river channel was clogged with sand bars, tree rootballs, and gravel. Because the removal of such materials must be accomplished in the summer, when the water level is low and bulldozers can safely work in the river bed, the county applied to the Army Corps of Engineers for an emergency stream bed alteration permit to do the work immediately. This request was denied.

Instead, early last summer, the Corps told Santa Cruz County to submit a routine Section 404 permit application. What with application preparation, requests by the Corps for additional information, and jurisdictional determination, it wasn't until January of this year that the Corps pronounced the county's application in order—and scheduled public hearings for this April or May.

Unfortunately, storms don't respect bureaucratic timetables. Record-breaking rains hit in mid-March. The Pajaro River overran the levee, eroding one major and several minor breaks on the south bank.

HAD local officials not run into bureaucratic red tape, preventing them from carrying out plans last summer to restore the channel to its proper depth, it's uncertain whether the flooding would have been completely prevented. The rains, after all, produced a flow rate in the river of 22,500 cubic feet per second. What is *absolutely* certain is that the flooding would have been less severe and the damage to human lives less devastating.

Recriminations following the Pajaro flood have persuaded Governor Pete Wilson to issue a blanket permit for a five-year period to allow landowners to "take" endangered species when it is necessary in order to respond to pending or current disasters. The permit by no means suspends the California Endangered Species Act: it merely allows landowners to act first and deal with the bureaucracy later, with the burden of proof remaining on the

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landowner to show that his actions were necessary. (Warning: the landowner even has to collect the carcasses of any endangered animals he "takes" to present them to Fish and Game officials.)

Similarly, the Governor has directed state agencies to relax the state's air quality protections to permit emergency disposal of debris from disasters by outdoor incineration. This allows California's almond growers, for example, who have seen this year's storms destroy an estimated $100 million worth of their crop, to avoid the additional expense of having thousands of storm-uprooted trees hauled to landfills—a requirement that would have added insult to injury.

The Governor intends to follow up this temporary permit with permanent modifications to state law. Proposed legislation would remove protections for plant species on private property; eliminate penalties for those who inadvertently kill endangered species; give local officials greater say in how endangered species in their jurisdictions are to be protected; allow industry scientists to participate in the review process prior to listing a species as endangered; require that economic costs be considered in that review process; and require that each species on the endangered list be reviewed every five years.

The reaction to the Governor's moves has been fierce. The chairman of the State Senate's Natural Resources and Wildlife Committee, Senator Tom Hayden, called them "the most sweeping abuse of power that I know of since these environmental laws were invented a generation ago," and has vowed to file suit to challenge their legality.

Meanwhile, one of Hayden's old anti-war cohorts from the 1960s, Bill Clinton, vowed in early April, in a speech to newspaper editors in Dallas, to veto any measure congressional Republicans may pass that will modify current *federal* environmental regulation. And he sent Interior Secretary Bruce Babbitt to San Francisco to lambaste the idea that current environmental law represents an oppressive bureaucracy.

San Francisco liberals might buy that message. It would be very hard to sell to the farmers and farm workers of Leon Panetta's old congressional district. □

Should Government Distribute Needles?

ARMING THE ENEMY

SIGFREDO A. CABRERA

CALIFORNIA is one of 49 states (and the District of Columbia) that have laws prohibiting the sale and distribution of drug paraphernalia. Most of these laws conform with the Model Drug Paraphernalia Act adopted by the Drug Enforcement Administration in 1979, which makes it a crime to possess, deliver, or manufacture needles with the intent to violate anti-drug laws. Nevertheless, there are at least 77 needle exchange programs—programs to give clean syringes to intravenous drug users in exchange for their used ones—operating in 55 cities in 20 states, according to the North American Needle Exchange Network. Some of these programs are operating in defiance of state and local authorities, and others exist with their tacit approval.

Among the latter was the needle exchange program approved by the Sacramento County Board of Supervisors last November. This seemed to run afoul of California's Drug Paraphernalia Law of 1981, which makes it a crime to furnish unprescribed needles under circumstances where one should reasonably know that they will be used to inject illegal drugs into the human body. But the Supervisors justified their action as a proper exercise of their "police power" to control epidemics—in this case the AIDS epidemic, which spreads partially through the use of dirty needles by intravenous drug users.

Outraged by this and similar programs, national anti-drug advocate Carla Lowe and her lawyers argued in Sacramento County Superior Court that needle exchange is illegal under the state paraphernalia law. The case at issue, *County of Sacramento* v. *Holloway*, was possibly the first of its kind in the nation. And Superior Court Judge James Ford found in Lowe's favor, holding the needle exchange program to be illegal.

The county has yet to decide whether to appeal his decision. Even for opponents of needle-exchange, there is reason to hope for such an appeal: an appellate court decision upholding Judge Ford's ruling would be an important victory and stand as a crucial precedent for anti-drug advocates nationwide.

In fact, distributing needles to curb AIDS is as inimical to sound public policy as it is to 49 state laws. Dr. Forest Tennant, Executive Director of Community Health Projects Medical Group in Los Angeles, published a report in 1989 citing reliable evidence that, as common sense might suggest, *eliminating* rather than facilitating needle use by addicts reduces the spread of AIDS.

In a four-year study, Tenant and other investigators found that the Greater Los Angeles area had a lower prevalence of AIDS-infected drug users than any major metropolitan area in the nation. Less than two per cent of the heroin addicts attending treatment clinics in that region carried the AIDS virus. This was in sharp contrast to rates from similar clinics in New York City (60-70 per cent), Chicago (20-30 per cent), San Francisco (15-20 per cent), Denver (5 per cent), and Baltimore (20-30 per cent). Over the study period, "only about 225 cases of active AIDS among intravenous drug users, or four per cent of the total number of AIDS cases, [were] identified in Los Angeles County. . . ."

Dr. Tennant attributed this lower percentage of AIDS among drug users in Los Angeles to the non-existence of government-sanctioned needle exchange programs, coupled with aggressive prevention efforts and the availability of low-cost drug abuse treatment. "We're not just lucky," wrote Dr. Tennant. "We don't give out needles."

Whether the Los Angeles figures will hold up remains to be seen. On February 10, the *Los Angeles Times* reported that three needle exchange

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programs have been operating in Los Angeles County in recent years—the most recent opening February 9 in Pacoima. According to the *Times*, there are now thought to be 14,000 addicts in the county who have been infected with AIDS by contaminated needles.

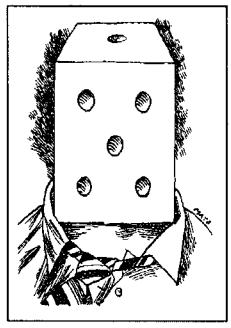
NEEDLE exchange proponents, of course, have their own studies, which suggest that free and clean needles reduce AIDS transmission. Dr. Janet D. Lacey, writing for the Concerned Citizens for Drug Prevention in Hanover, Massachusetts, has pointed out some of the major problems with these studies. Above all, she says, the effectiveness of needle distribution is never compared with that of aggressive treatment. Nor do these studies address "the currently increasing rate of drug use which has occurred along with the proliferation of needle handouts."

A White Paper published in 1992 by the Office of National Drug Control Policy (ONDCP), entitled "Needle Exchange Programs: Are They Effective?," noted other methodological flaws in the pro-exchange studies: "Many use a small or insufficient sample size and then project results to larger populations; despite claims that needle sharing was reduced, none of the studies conducted objective tests (e.g., analysis of blood types on returned needles) to determine whether needles were shared; most do not use valid comparison or control groups; and most have program staff, rather than independent evaluators, conduct client interviews on which the findings of the studies are based."

Indeed, pro-exchange research fails to note the high attrition levels of needle exchange programs: as few as 20 per cent of the participants return for a second or third visit. And some studies simply base "success" on the number of needles distributed.

In addition, the ONDCP White Paper points out that the programs "tend to attract and retain a self-selecting group of older, long-term intravenous drug users who are less likely to share needles than less experienced, more promiscuous users. Therefore, positive reports on the effectiveness of exchange programs may be due more to the behavior of this less risky subset [of addicts] and less to the availability of clean needles."

Most experts say that the connection between availability and use of clean needles is tenuous at best: "Sharing needles is . . . part of the communal aspect of the drug culture," says Carla Lowe. Michael Levine, Director of the Drug Information Bureau in Barnstable, Massachusetts, says: "I have lived with addicts at home and on the streets for most of my adult life. . . . To believe that giving them clean needles—in any amount and in any fashion—will prevent them from ending up in a 'shooting gallery' and sharing [them] is the height of naïveté." And Congressman Charles Rangel (D., N.Y.) reports: "Law enforcement officials tell me that in raids of 'shooting galleries,' they often find packaged syringes unused while other needles are being passed around."



The White Paper concludes: "Despite all the arguments made by proponents of needle exchange, there is no getting around the fact that distributing needles facilitates drug use and undercuts the credibility of society's message that using drugs is illegal and morally wrong. And . . . there is no conclusive evidence that exchange programs reduce the spread of AIDS."

The first point is no less important than the second. As Sandra S. Bennett, Vice President of Drug Watch International, reminds us: "AIDS is primarily a disease associated with preventable and/or illicit behavior such as drug use." Nor let us forget the consequences of drug use: high mortality among users, to be sure—but also increases in serious crimes such as robbery, burglary, and prostitution; increases in domestic violence; increases in work-related and vehicle-related injuries; increases in property destruction; and rising numbers of drug-impaired newborns.

Bennett is on the mark when she suggests that using American tax dollars to underwrite the habits of drug addicts "flies in the face of reason." The idea that if government can't beat 'em it should join 'em is completely unacceptable. □

Sigfredo A. Cabrera is the Director of Communications for the Pacific Legal Foundation in Sacramento, California.

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Free Speech Movement '90s Style

IN 1964, students at the University of California, Berkeley, took to the streets in the name of free speech. Three decades later and a few miles across San Francisco Bay, a small cadre of Stanford University students set out with the same goal. But instead of carrying placards toward the campus square, they took to court armed with legal briefs.

The Stanford speech code—also known as the Grey Interpretation for its author, law professor Thomas Grey—was adopted in 1990 after 18 months of heated campus debate over prohibiting "hate speech." In its own terms, the code sought "to clarify the point at which free expression ends and prohibited discriminatory harassment begins." It did so by proscribing speech or expression that "is intended to insult or stigmatize an individual or a small number of individuals on the basis of their sex, race, color, handicap, religion, sexual orientation, or national or ethnic origin."

Stanford was confident that the carefully worded code, which followed the famous "Fighting Words" doctrine laid out in *Chaplinsky* v. *New Hampshire*—combined with Stanford's status as a private institution, which renders it less vulnerable to legislative/judicial interference than, for instance, U.C. Berkeley—would provide ample protection against any legal challenge. In any other state, this strategy might have worked. In 1992, however, California amended its education code with the Leonard Law, which extended to students the right to say on any campus, public or private, anything he or she can legally say off campus.

Led by Robert Corry, a 26-year-old Stanford law student who had yet to graduate or pass the California Bar, nine students filed suit last May in Santa Clara County Superior Court. Although in place for two years, the Stanford code had never been enforced. Yet as Corry, now a staff attorney with the Pacific Legal Foundation in Sacramento, explains, "The code's chilling effect was a major factor in our decision to sue. . . . We wanted to be able to speak freely on controversial and sensitive topics. . . ."

California Superior Court Judge Peter Stone issued his opinion in *Corry, et al.* v. *The Leland Stanford, Jr. University, et al.* on February 27. Ruling for the students, Stone wrote a 43-page opinion that found the code "overbroad" and criticized it for attempting selectively to ban certain words and expressions. Drawing on the U.S. Supreme Court's 1992 decision in *R.A.V.* v. *City of St. Paul*, Stone wrote, "Defendants cannot proscribe speech that merely hurts the feelings of those who hear it."

Robert Corry and the other dissident students had initially hoped to overturn the speech code through the Student Senate. When his bill to do so was introduced for debate, Corry quickly learned the extent of the university's devotion to the code: Stanford President Gerhard Casper, a former constitutional law professor, testified in its favor for nearly an hour. "I tried to lobby within the system to get rid of it, and the lawsuit was simply the last straw," says Corry. "Since the code doesn't apply to them, Stanford officials don't know what it's like to wake up every morning and know that if you say the wrong thing you can be expelled from school."

In court, Stanford attorneys challenged the Leonard Law's constitutionality, charging that it violated Stanford's right of academic freedom. Judge Stone found otherwise, noting that Stanford's speech code violated students' First Amendment rights by proscribing "more than just fighting words," and violated *R.A.V.* by targeting "the content of certain speech."

As UCLA law professor Eugene Volokh interprets current Supreme Court jurisprudence, "racial epithets might sometimes be fighting words. . . but the interesting twist *R.A.V.* puts on this is that you just can't ban fighting words with a particular point of view."

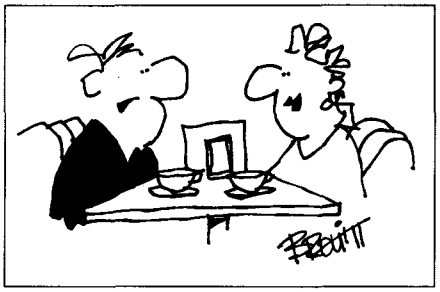
In finding against Stanford, Judge Stone also upheld California's Leonard Law, declaring that it represents an instance where "the State has undertaken to restore constitutional speech protections otherwise available to its citizens." He went on to remind Stanford officials that, as overseers of a major university, they have ample resources at their disposal to "ardently and effectively express their intolerance for intolerance through wholly constitutional means."

CORRY worries that the university might now resort to increased "sensitivity training" as an alternative to the speech code. "I hope they realize that free speech is the answer to bad speech, not thought control," he says.

President Casper sought to minimize the consequences of the decision. "Civility at Stanford will continue, with or without the Grey Interpretation," he said in announcing the University's decision not to appeal the court's ruling. But many other observers think Stone's ruling spells the end for speech codes. "I think it's over," says California State Senator and Stanford law professor Tom Campbell of the speech code movement. UCLA's Volokh agrees: "Speech codes are in very big trouble."

Ironically, Robert Corry says that he recently received a phone call from a U.C. Berkeley student who wants to challenge his school's speech code, asking him, "Can you come across the bay and show us how it's done?"

—CRAIG L. HYMOWITZ



"My movie criticism course? Ferociously exhilirating, a triumph!"

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Services programs which ran afoul of the LSC's monitoring teams, became head of OPEAR—in other words, head of the program he had helped to defang. Although the LSC typically sent out over 125 monitoring teams to evaluate field programs each year, in 1994 less than half a dozen were sent. "Peer review"—i.e., You're all right, I'm all right—was now to substitute for oversight by the LSC.

With Democrats in charge of both houses of Congress and Hillary in the White House, the new LSC leadership grew increasingly arrogant and careless. Normally, when the LSC went to Congress to ask for appropriations, it came armed with a thick book of arguments and figures to justify its request. But this time its representatives, who had called for doubling the previous year's budget to $848 million, sailed into the hearing with only a couple of pages. A furious Appropriations subcommittee threw them out, voting to suspend the hearings on the grounds that the LSC was totally unprepared.

Kenneth Boehm, formerly assistant to the LSC president and counsel to the board (and one of the first to be purged), believes arrogance was only part of the problem. Alexander Forger, the LSC's recently appointed president, was simultaneously absorbed in managing the estimated $200-million estate of Jacqueline Onassis. According to the LSC Act the president is not supposed to have an outside earned income without express permission of the board; Boehm learned that Forger had obtained that permission in secret session. Boehm says: "If a conservative was making far more money from a lucrative professional service done for multimillionaires on the side while being paid to work full time for the anti-poverty program, the editorialists would string him up by the thumbs."

But in the end, the LSC's self-confidence was well placed. Its leaders were hammered in congressional hearings for reorganizing the Corporation (i.e., gutting monitoring) without obtaining approval of the Appropriations subcommittee as they were legally bound to do, but there were no sanctions. The budget was not doubled, but Congress did provide a small increase.

Danger in the House

THE REPUBLICAN sweep of both houses of Congress last fall offers the first opportunity since 1974 to deal effectively with Legal Services. Because of the controversy swirling around the program, it was last authorized (for three years) in 1977. The program has survived since on a year-to-year basis, as Congress bends its own rule that an unauthorized program cannot be funded. Confident of four undisturbed years under President Clinton, the LSC missed its opportunity to get the program reauthorized with virtually no restrictions. The Clintons were busy with health care, and the Legal Services leadership was content to wait a little.

There is a danger that the Republicans will choose the easy way, cutting back funding and restricting the kinds of cases that can be brought, and then pretending they have solved the problem. That way they would avoid the media frenzy attendant upon genuine reform. Congressmen can all too well imagine the epithets—"enemy of the poor" will be the least of them—raining down from the entire liberal media.

If they take the easy way, congressmen will also avoid the wrath of the American Bar Association, whose president, George Bushnell, has described any who would tamper with Legal Services as "reptilian bastards." The ABA has already set aside $200,000 to fight for Legal Services. For the ABA, Legal Services hits a triple. It offers employment for thousands of lawyers; it indirectly provides employment for many thousands more who defend against the suits the programs bring; and it permits the bar to avoid pressures to provide pro-bono services to the poor.

But however tempting, tinkering with Legal Services will do nothing about the abuses that have been examined here. For years now in the House, Republican Bill McCollum and Democrat Charles Stenholm have vainly sought to attach a rider with a laundry list of restrictions to the Legal Services appropriation, and that rider is likely to be reintroduced. But as former senator Jeremiah Denton once put it, the Legal Services Act is one where the loopholes have loopholes, and no rider will cure that. Legal Services programs are already enjoined from involvement in abortion cases, grassroots lobbying, union organizing, school desegregation cases, and redistricting cases, with very little effect.

Indeed, the language in the McCollum–Stenholm riders clearly fails to address the problems effectively. McCollum–Stenholm would prevent Legal Services programs from representing *convicted* drug dealers (they defend them *prior* to conviction and defend the "innocent" tenant from whose apartment the drug dealer operates). McCollum–Stenholm would permit the farmer, if he won in court, to collect legal fees from the program that had sued him. But, not having the funds to sustain

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these legal cases through the appeals process, the farmer typically folds long before he is in a position to collect fees. And he is likely to be found in violation of *some* regulation, even if it is no more than an unposted sign or a torn (by the worker) screen. The point is that insubstantial violations should not trigger a federal lawsuit in the first place, destroying the livelihood of farmer and farmworker alike.

Laundering Operation

ADDRESSING the real problem means addressing the structure of Legal Services. In effect, as one critic has pointed out, the Legal Services Corporation is a giant laundering operation that converts federal into private dollars. Once the money is in the hands of the local programs it is private money, not subject to the laws governing waste, fraud, and abuse in federal agencies.

Furthermore, the LSC, whatever the composition of the board, has no real control over the local programs. Each program enjoys "presumptive re-funding," regardless of its performance. In punishing Evergreen Legal Services, the Corporation dared do no more than administer a light slap on the wrist, withholding $35,000 of Evergreen's grant. Although there are programs where monitoring staff has found embezzlement, mismanagement, and negligence, de-funding a program is so onerous, and so expensive, that the LSC has not even tried to do so since 1986.

The central problem of Legal Services lies in the staff-attorney system, which gives power and control to the provider, not the consumer, of legal aid. The staff system produces clientless lawyering, with Legal Services attorneys providing for the needs of real clients only in order to be able to engage in the core activity of the program, which is public-interest law in pursuit of wealth redistribution and distorted notions of "social justice."

The only way to overcome this central difficulty is to restore control to the client. The best way to achieve this is to incorporate funding for legal aid to the poor in block grants to the states, eliminating "presumptive refunding" of existing programs, de-funding the national support centers, and encouraging the states to experiment with vouchers, mediation programs, co-payments, and competitive bidding. There are nine hundred existing legal-aid programs not affiliated with Legal Services that could then seek to provide more efficient service.

Heretical though it may sound, it is questionable whether federal funds are needed to provide legal aid. Many Legal Services programs now receive substantial sums from IOLTA (Interest on Lawyers Trust Accounts), private funds, the United Way, and state and local governments. In 1993 non-LSC funding for Legal Services programs reached $246 million, compared to $357 million from the Federal Government. There is also significant pro-bono work by the private bar, which could be sharply increased if the government were to offer attorneys tax credits for pro-bono work, with a cap to avoid misuse. Even now, the extent of pro-bono hours contributed nationally is much greater than generally recognized. Florida requires attorneys to make sworn statements annually on the number of pro-bono hours they have provided. Even if their work is valued modestly at $50 an hour, Florida's attorneys alone would be contributing over half a billion dollars.

The American Bar Association repeatedly asserts that only 20 per cent of the legal needs of the poor are currently being met, a figure parroted by congressmen at every hearing on Legal Services. The Massachusetts Legal Assistance Corporation conducted a study which found that only 15 per cent of the need was being met. If so, federal money would still be required to fill the huge remaining gap. But these figures are based on highly questionable data. The Massachusetts study includes unrecognized legal needs, identified through questions as to whether the person has had problems with roaches or other pests or has not gone to the doctor or hospital because he could not afford it. If the study is reanalyzed to identify only those instances where there is a recognized need for legal aid, the unmet need falls from 320,000 to 7,000.

The unmet need might dwindle to zero if alternative dispute-resolution mechanisms were used. In roughly 20 per cent of their cases, Legal Services attorneys are suing another branch of government on behalf of an individual denied a government benefit. An ombudsman could handle these cases more cheaply and efficiently.

A deficit-conscious Congress cannot afford to fund the Legal Services Corporation. Number-crunchers may see a "mere" half-billion-dollar annual saving if the program were eliminated. But the financial impact of Legal Services is much greater than its up-front expenses. Over twenty years ago, the Department of Health, Education, and Welfare calculated that two of the early Legal Services welfare suits added $300 to $400 million a year to welfare costs. Subsequent cases have added untold billions. Moreover, unlike entitlements, whose costs can at least be estimated in advance, Legal Services suits impose huge unanticipated and hence incalculable costs.

A Republican Congress cannot afford to maintain the Legal Services Corporation, for if it does, it will be fueling the engine that will bring its Contract with America to a screeching halt. So certain is it that Legal Services programs will ensnarl congressional reforms in decades of litigation that it can be considered the test of Republican sincerity whether the Congress uses its power to eliminate the Legal Services Corporation. If it fails to do so, it is only paying lip service to its commitments, knowing Legal Services will undo what it does.

But above all, the poor cannot afford the Legal Services Corporation. It uses its federal war chest to mire more and more poor people, generation after generation, in despair and dependency. It makes the poor seeking a better life prey to the worst elements in their midst. It deprives hard-working people of jobs by bankrupting their employers and bypasses the political process to misallocate resources which could otherwise benefit the people it is supposed to be helping. □

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Orthodox Catholics: Don't Despair!

Anne Roche Muggeridge, daughter-in-law of convert Malcolm Muggeridge, has said in her recent book, *The Desolate City: Revolution in the Catholic Church*: "Because the integrity of its message has been betrayed, the Catholic Church is in ruins. Yet even now there are converts, of exceptionally high quality, and their number is increasing. Catholics watched with a mixture of pity and amusement as the excellent Anglo-Catholic *New Oxford Review* argued and agonized itself into the [Roman] Catholic Church [in 1983]. I know a substantial number of recent converts like this and am much edified by their purity and ardour. Seven of them are my godchildren, and I must confess that some of us, to our shame, earnestly tried to delay them, on the grounds of the disorder in the Catholic Church. They forced their way past us anyway, thank God. They come because at the highest level of Catholic teaching, the doctrine of the faith, though much embattled, remains uncompromised and is fearlessly proclaimed. These new Catholics are a very present comfort when one is tempted to despair."

After Vatican II, the number of converts to Roman Catholicism slowed to a trickle. But now a new wave of converts is entering the Church, from Richard John Neuhaus and Scott Hahn to the Duchess of Kent and the former Anglican Bishop of London. Among them, it may be hoped, is another Augustine, Chesterton, Maritain, Newman, Ronald Knox, Dorothy Day, or Christopher Dawson — converts all.

The new converts are attracted, not by trendy pick-and-choose Catholicism, but by the Magisterium and the Catholicism of the ages. The forum for the new generation of converts is the NEW OXFORD REVIEW, a monthly magazine that takes its name from the 19th-century Oxford Movement in England. Today there is a new Oxford Movement afoot. Among the converts to Catholicism who've written for the REVIEW are Walker Percy, Russell Kirk, Sheldon Vanauken, Avery Dulles, Peter Kreeft, Ronda Chervin, Thomas Howard, George Rutler, and Paul Vitz. But the REVIEW isn't just for converts. Most of our writers are cradle Catholics, and a significant minority are solid Christians from other churches. And we cover the full range of current issues, including the quest for a more just society and more peaceful world.

If you despair of all the moral laxity and doubt and dissent in the Church but seek a remedy for that despair, or if you're seeking a "face" of Catholicism that is unhesitatingly prolife, doctrinally sound, and spiritually vibrant, give us a try!

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Pete Wilson's Political Odyssey

BLOWING IN THE WIND

The newest presidential contender seems to practice political philosophy by public-opinion poll—but don't count him out. His weathervane tends to swing at just the right time.

HAROLD JOHNSON

THEY nearly gush, the early reviews from *Time*, *Newsweek*, and other establishment oracles. The presidential ambitions of California governor Pete Wilson are clearly tapping a soft spot in mainstream media hearts.

But don't let that fool you. It doesn't necessarily mean that Wilson has no chance in the Republican primaries.

He's facing big obstacles, no question. Compared to Dole, Gramm, and Alexander, he's gearing up late, with his official announcement expected later this month; he's pro-choice in a party where lifers still do a lot of the walking, licking, and phoning; he raised taxes; he raised taxes; boy, did he raise taxes!

But take it from a journalist who has watched him from an Orange County perch for a number of years now: any pol or pundit who underestimates this scrappy survivor does so at risk of being served a heaping helping of crow.

To get a sense of Wilson's political prowess, consider a bit of trivia: in this century, only two Golden State politicians have managed to gain both the top job in Sacramento and a seat in the United States Senate.

The first was the storied Hiram Johnson, the Progressive Era Republican who, for better or for worse, introduced the ballot initiative into California's political repertoire.

And now there's Wilson, senator from 1983 to 1990, governor from 1991 on. In winning both of these glittering prizes, he grabbed a ring that eluded such political marathon men as Richard Nixon, Jerry Brown, and William Knowland, a conservative stalwart of the Eisenhower-era Senate who could not win the governor's office.

With one nearly forgotten exception (a failed 1978 gubernatorial primary bid), victory has been Wilson's habit through a political career of almost three decades. Before the Senate there was the mayoralty of San Diego; before that, the California Legislature. He sat at the feet of Nixon himself; Wilson was an advance man during RN's 1962 campaign for governor.

The Nixon Blessing

NIXON remained a fan to the end. One of his final predictions, reported last year by William Safire, was that if Wilson came from behind to win re-election to the statehouse in 1994, he would get the GOP White House nod in 1996. (In the end, Wilson didn't just beat his '94 Democratic opponent, Kathleen Brown, he turned her campaign into electoral anti-matter.)

Of course, to some degree being eyed as Potomac timber comes with the territory. The California governorship carries "powerful political sex appeal," says veteran GOP strategist Ken Khachigian. But as Wilson boosters see it, their man's advantages for 1996 go considerably beyond the fact that his state has 54 electoral votes, not to mention 16 per cent of the delegates to the Republican convention.

Start with his muscular fundraising ability. Last year, Wilson pulled in $26 million to finance his trouncing of Miss Brown. "His closest friends include Fortune 500 heavyweights," notes political consultant Harvey Englander: "people who are in industries where they're positioned to reach out and touch for contributions across the country." Such reach is a gold-plated asset during presidential-primary season, with the limit on individual donations at $1,000 per person.

The 61-year-old ex-Marine is a campaigner who doesn't tire, doesn't stumble. Wilson's monotone echoes his Missouri boyhood; the straight-arrow, Middle American persona survived the years at Yale and Berkeley Law. If his flat delivery can make your eyelids heavy, his admirers reckon it will offer a comforting contrast after four years of Bill Clinton's hyperkinetic oratory.

Wilson is admired by political professionals for an ability to "stick to message," whatever his message at the moment might be. His current theme of flinty fiscal conservatism seasoned with social tolerance is said to be his crowning advantage in the '96 contest. His handlers say it shows that he's instinctively ahead of the curve. When the Contract with America was still a gleam in Newt Gingrich's eye, goes the line, Wilson was rolling up his sleeves and tackling welfare reform, getting tough on repeat criminals, sounding the alarm on illegal immigration, saying "Nuts!" to unfunded mandates.

Some of this is even true. Wilson has provoked a lawsuit from Janet Reno by refusing to implement the Motor Voter law, which forces states to sign up voters at the Department of Motor Vehicles and welfare offices. His embrace of Proposition 187, which would end

Mr. Johnson is an editorial writer at the Orange County Register.

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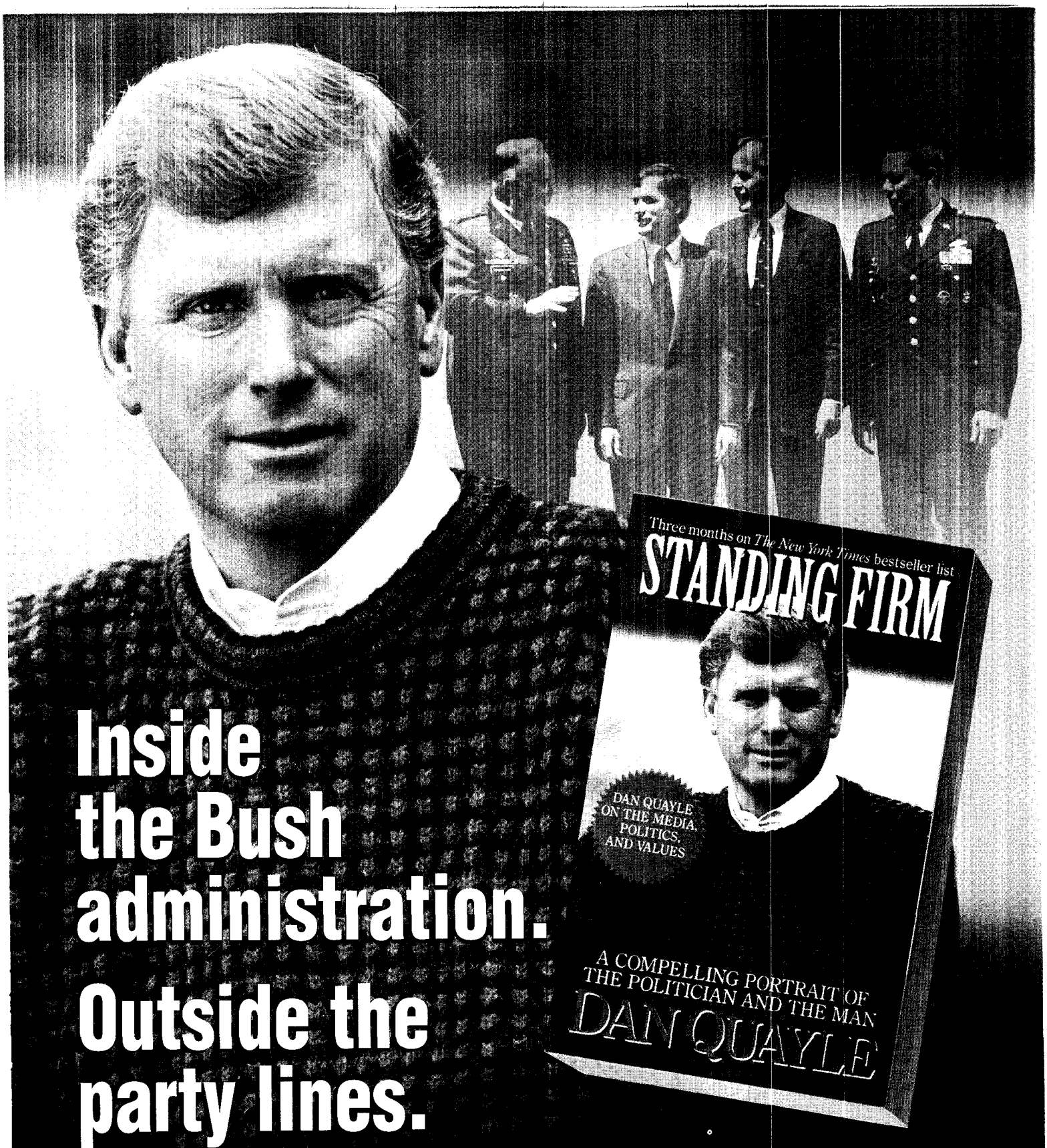
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most social services for illegal aliens, helped make immigration part of the nation's table talk. And he has been working for years to trim welfare payments, build in incentives for work, and otherwise try to end California's status as a pilgrimage shrine for dole recipients from around the nation.

Wilson's inaugural address in January charted a bold second-term agenda: prune government, cut taxes, shred the phone-book-sized education code with all its invasive micromanaging. He is out front in the assault on reverse discrimination, championing the California Civil Rights Initiative, which would ban favoritism by race or sex in state and local government.

Says Ron Unz, the software wiz who spent more than $1 million of his own funds in a 1994 primary challenge to Wilson: "If he'd been governing on these policies from the beginning, I'd have saved a lot of money last year."

But there's the rub: he *hasn't* been practicing much of what he has now begun to preach, at least not until fairly recently. And now that he's talking a good line, he's "getting ready to leave the state behind," complains Unz—this after he promised to serve a full term if re-elected. To add injury to insult, under current law he would be succeeded by Lieutenant Governor Gray Davis, a liberal Democrat who was chief of staff for Jerry Brown. (Wilson's backers are pushing a ballot initiative that would require a special election to fill a gubernatorial vacancy; its prospects are uncertain at best.)

Grounds for Suspicion

THE Right has viewed Wilson with suspicion at least since 1976. As mayor of San Diego, he journeyed to New Hampshire that year to tell voters that Ronald Reagan, who was challenging Gerald Ford for the presidential nomination, had been a lousy governor. Once Wilson himself was governor, a former legislator recalls, a top Wilson aide confided that the aim was "to change the party back as if 1964 had never happened." A concerted effort in that direction was actually attempted in 1992, when Wilson's operatives ran a slew of "moderates" against conservative candidates in legislative primaries. Most of the Wilson people lost—but the damage to the conservatives contributed to a Black Tuesday for the GOP in November.

Ron Unz hit a nerve last year when he said Wilson's record as governor mirrored that of the typical "moderate Democrat" in almost any other state. Wilson came into office, for instance, touting above all else a plan to integrate health-care and social-welfare programs into schools. Critics link this "Healthy Start" initiative with the creation of school-based clinics that distribute contraceptives. In any case, are social services the proper focus of the schools' energy when test scores are drifting downward? And is it really "healthy" to instill in schoolchildren a reliance on government as provider of free "services"?

Wilson's education secretary, a Democrat named Maureen DiMarco, brushes aside such concerns as unenlightened. She will also display impatience if you suggest that Hispanic kids shouldn't be given Spanish lessons before they're taught English, or if you have a good word for school vouchers (she prevailed on her boss to oppose Proposition 174, the unsuccessful 1993 school-choice initiative).

Miss DiMarco isn't the only appointee who has given conservatives indigestion. Governor Wilson installed a former Sierra Club executive as head of his natural-resources agency. Even State Senator Tom Campbell, an icon of California's "centrist" Republicans, complains about staffing decisions and regulatory overkill. "Ask people in agriculture or mining or the timber industry," he says. "You'll hear a lot of complaints." (Campbell is backing Pennsylvania Senator Arlen Specter for the presidential nod.)

"And then their growth stocks paid off and they lived happily ever after."

But it's the 1991 tax increase, $7.2 billion by low-ball estimates, that is the albatross sure to accompany Wilson to every event along the campaign trail. The Democrats made me do it! is the new official explanation. But it was Wilson who, in the face of a yawning deficit, proposed the taxes, describing them as a "solution, not a negotiating stance." He vowed to "break arms" to get them passed. And his sales pitch was indistinguishable from Democratic Assembly Speaker Willie Brown's: taxpayers either ante up or face mass release of criminals and college students, along with other horrors.

There was no alternative vision offered of a government creatively reduced in size and scope. Even so modest a proposal as eliminating the $17-million California Arts Council was dismissed with contempt. At an editorial-board meeting at the *Orange County Register*, he told us such cuts amounted to "peanuts," "not even worth the time to discuss."

Every year since has seen additional tax increases, and every year has brought new signs of the damage done. The deficit wasn't erased; it continues to nag at Wilson (and his budget problems at home may limit the time he can spend on the campaign trail this year). Last year's budget gap was papered over in part with $4 billion in loans underwritten by a consortium of international bankers. Meanwhile, a steady caravan of workers and business owners flee to Arizona, Nevada, and other states where taxes and regulations are slight by comparison. (After a record exodus of 580,000 people in 1992, the *Sacramento Bee* editorialized that the state song should be changed to "California, There They Go.")

The state's economy is now edging upward, but the unemployment rate remains 30 per cent higher than the nation's as a whole. You can't blame the decline in defense spending, argues economist Arthur Laffer. For one thing, many of the defense jobs that California has lost haven't evaporated, they've simply been moved to Arizona, Texas, or elsewhere. Indeed, Laffer notes that those defense-intensive states that have lower taxes weathered the recession in military spending in comparatively good form, their unemployment not going above the national average.

Wilson is now proposing what is billed as a 15 per cent income-tax cut.

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But read the fine print. The state's top personal-income-tax rate—which was raised from 9.3 per cent to a staggering 11 per cent in 1991—had been scheduled to drop back to its former level at the end of this year. Under the new Wilson plan, the 11 per cent would only gradually, over several years, be reduced to the original rate. "We're talking about a tax *increase* here, because it's a higher rate than would be the case absent this new plan," says former Assemblyman Tom McClintock, now with the Claremont Institute. One prominent politician recently told me he was astonished by the number of big donors who have moved to neighboring states in the past few years.

Will the GOP Take a Taxer?

CAN A governor who has raised taxes win the GOP nomination? "You bet he can," Wilson told a Republican state conclave in Phoenix in early April. "Because he was also the governor who has done something that Washington has never had the guts to do . . . [make] deep cuts" in spending.

The state's spending "cuts" in fact amount mostly to accounting rearrangements. In 1993, for instance, more than $2 billion in property-tax funds were diverted from counties to pay for various state commitments. One index slices through all bookkeeping gimmickries: the state workforce has grown from 261,713 in 1992 to 273,748 today.

Candidate Wilson can expect to be reminded of his gymnastics on a range of sensitive issues. In the summer of 1991, he told a meeting of journalists that he would sign a controversial gay-rights bill. Homosexuality was like eye color, he told us—predetermined and inconsequential. Agree with him or not, it was a statement of principle. But several weeks later he vetoed the legislation, citing the possible lawsuit threat to employers. The next year, he signed a scaled-back version that arguably exposed businesses to nearly as many liability dangers.

His position(s) on racial spoils can also give you vertigo. He blasted Dianne Feinstein as a quota fan during the 1990 gubernatorial race. But he was voicing support for preference programs as recently as last October, in an interview with the *San Jose Mercury News*. Three years ago, in a meeting of editorial writers in the governor's Sacramento office, a couple of his aides were brought forward to boast how the administration planned to put new emphasis on racial and gender "goals" in public-works contracts. At question time, I said I personally knew several well-off minority contractors in Southern California. What principle of justice was served by giving them a leg up on their less prosperous Anglo competitors? Next question.

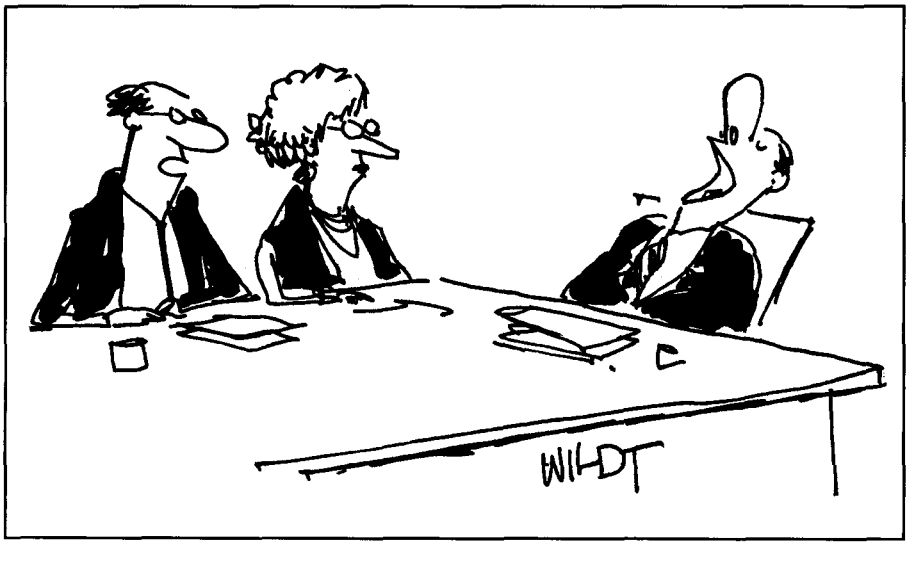
Wilson also has a consistency problem on immigration. Why did he never mention the illegal influx during the budget struggle of 1991? His office publicly scoffed in 1993 when Tom McClintock, along with Lewis Uhler of the National Tax Limitation Committee, first proposed curtailing social services and education for undocumented aliens—the very approach Wilson would later champion. Says Uhler: "It appears problems are addressed in direct proportion to what the polling numbers reveal about public interest in them."

Ken Khachigian urges conservatives to remember Wilson's record in the U.S. Senate. He has a point. Wilson was strong on defense, ardent about SDI, and generally a vote for fiscal prudence. True, there were the votes for three unfunded mandates to beat all unfunded mandates: the Americans with Disabilities Act, the Clean Air Act, and the Clean Water Act; but few were the congressional Republicans who didn't board those misdirected bandwagons.

Maybe the best metaphor for Wilson's career is a giant-slalom run. He started to the left as a "progressive" mayor with a yen for central planning and controls on growth. In the Senate he altered course, but he shifted again on reaching the statehouse, where his early spending plans had Democratic legislators cheering. Now his ski tips are pointed back to the right.

I started out by saying, don't count him out. I mean it. The man's political talents, his tenacity, his lopsided win–loss record in California, America's nation-state—in short, everything that impressed Nixon—can't simply be whistled away. Much of his new message has the power to resonate. And as Khachigian notes, there *is* a scenario, not entirely fanciful, that has Wilson coming into the California primary a contender. If conservative votes splinter, if enough other candidates slip and fall, Wilson just might emerge as the alternative to Dole, Gramm, or some other front-runner. And even if the constellations align more conventionally, it's hard to write him out of vice-presidential contention.

The challenge for GOP voters will be to attempt a synthesis of the various Wilson political personalities that have emerged or receded over the years—a rather acute concern, one would think, for a party so recently burned for having a leader who was fuzzy on the "vision thing." Bill Clinton has said that character "is a journey, not a destination." In Pete Wilson's case, the same could be said about his political philosophy. Republicans will have to decide if they want to join the Sacramento Traveler for a ride with no guaranteed direction. □



"I've concluded Jenkins doesn't have a 'hot button.'"

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GOOD MORNING VIETNAM

On the long road to freedom and prosperity, Vietnam is taking the first halting steps.

WILLIAM McGURN

ON THE leafy corner joining Mac Dinh Chi Street and Le Duan Boulevard, the former American Embassy squats against the morning sun. Twenty years ago, with Communist forces rapidly advancing on Saigon, young Marines on the other side of these bars did their best to hold back the crush of Vietnamese wanting to be let inside. Even at that late stage, they could not believe America would abandon them.

At the time I was a junior in high school, too young to remember in much detail the course of the war but vividly aware of its impact around me: the older boys suddenly in uniform; the prayers for the fallen at the end of the Memorial Day parades; the frenzy of TV images alternating between combat in Vietnam and protest at home. But nothing has seared itself in my memory as much as the images from those last, sad days around this compound.

At its peak (in April 1969) the American military presence in South Vietnam numbered some 543,000, but that only hints at the magnitude of the U.S. involvement. Between the arrival of the CIA's Edward Lansdale in Saigon in 1954 and the final, ignominious retreat from the rooftop here two decades later, more than three million Americans were channeled through Vietnam. The embassy was only one of many government buildings around the country (the infamous War Crimes Museum, for example, is housed in the old U.S. Information Service offices), all built in standard-issue Concrete Gothic. Even today everything about it suggests the Great Society transported abroad: its bulk, its ugly functionality, and, perhaps, its ultimate failure.

Last Laughs

FOR the writer in search of easy irony, Vietnam is a gold mine. Everywhere history seems to have had the last laugh. In the countryside a peasant girl in black silk pants walks the family bullock past the helplessly rusting hulk of an M-48

Mr. McGurn is senior editor for the Far Eastern Economic Review.

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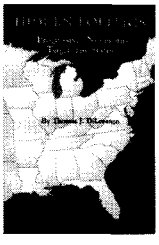

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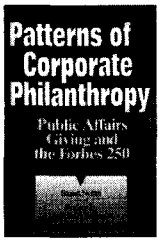

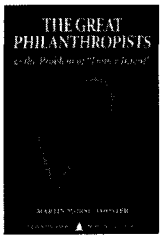

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tank. In Hanoi the first billboard that greets a visitor is for American Express. In Saigon, meanwhile—the name Ho Chi Minh City has never really caught on—huge advertisements for IBM and Hewlett Packard have sprung up along the riverbanks; the nightclubs are back on Dong Khoi Street (formerly Tu Do Street, formerly Rue Catinat); and though the GIs and jeeps are gone from the city streets they have been replaced by a new army of Taiwanese businessmen in Toyota Crowns. And of course there is the War Crimes Museum, a catalogue of American atrocities. In the grisly section on Chi Hoa Prison, our guide wryly points out that for all the horrors it has not lain idle since the Liberation. "Always fully booked," he smiles.

For those so inclined it would be easy to conclude that the changes since the launch of *doi moi*, or economic rejuvenation, in 1986 have been purely cosmetic. Yet the striking thing about the War Crimes Museum is how incongruous it looks in today's Vietnam. "It all reminds me of Hong Kong back in the Sixties and Seventies," says Jack Keenan, a retired Marine colonel who was back recently on a business trip. "Incredible energy and absolutely no sense of direction."

From my point of view, the most dramatic changes are to be found in Hanoi. Only a few years ago, any foreigner walking the streets would have been taken for a Russian, and the city was possessed of that malevolent Soviet aura familiar from Eastern Europe. Today, street shops sell everything from Johnnie Walker to tubes of Pringle's potato chips. The old, rat-infested hotel where I stayed in 1989—the Thong Nhat, once the French Métropole—has been restored to some of its former glory, and American accents predominate. On Wednesday I pop into the bar to meet with Al DeMatteis, a transplanted Brooklynite who runs DeMatteis Construction. Over in the corner having coffee with a friend is Tanya Pullin, the leading authority on the issue of intellectual property rights in Vietnam. On the other side is the former Taoiseach of Ireland, Albert Reynolds. And then there is Don Riggs from Operation Smile, truly a remarkable group, which brings American and Canadian surgeons to poor countries to perform plastic surgery on children with birth defects.

Operation Smile's first mission here was in 1989, and it was financed by three American Vietnam vets, who put up $40,000 each. Two years later the team included Captain Ned Shuman, a former POW whose previous stay had been for five years in the infamous Hanoi Hilton.

The Vietnamese stories are similarly compelling. In the operating room of Tran Hung Dao Hospital, I meet the head of Operation Smile Vietnam: Dr. Nguyen Huy Phan. The country's highest-ranking physician, Dr.—*General*—Phan began his career as a surgeon at the battle of Dien Bien Phu and spent his life on the front lines during the wars against the Americans and the Chinese. The general proudly shows me a certificate proclaiming him an honorary citizen of Maryland (he had gone there to deliver a lecture), and I ask him how life these days differs from life when he was growing up. He says that his granddaughter is taking piano lessons. "I didn't have time for such pursuits," he says, smiling.

Undoubtedly this is not the answer a Saigonite would give, but it does suggest the difference in reference points between South and North. "Saigon is a place where you make money," says Tanya Pullin. "Hanoi is a university town where people read Proust and talk about politics."

This is not the least of Hanoi's many charms, for while the Vietnamese never accepted French colonialism they took readily to French culture, and the rice baguettes I had for breakfast rank as the most delicious treat I have ever tasted. Judging from the frenzy of construction going on all over the city, however, old Hanoi is not long for this world. Although much of this is blamed on foreign development, if Hanoi is to be saved it will be the foreign developers who will do it.

Not that any of this means the hard men running Vietnam have renounced their past or accepted the idea of representative government; men like Dr. Nguyen Dan Que rot away in prison for advancing just such heresies. Indeed, one of the least-reported stories since the end of the war is how badly those non-Communist critics of South Vietnam have fared under the new order. When Thic Quang Duc immolated himself on a Saigon street in 1963, it was news around the world and helped set the stage for the U.S.-backed assassination of Diem. But how many read about the Buddhist who immolated himself last year at the Linh Mu Pagoda in Hué?

In Hanoi I stumble across a Missionary of Charity who is getting ready for a visit by Mother Teresa. The nuns are here taking care of the people no one else wants: disabled children. But the government has laid down any number of onerous restrictions. These include keeping the nuns out of Hanoi itself (even though the archbishop's resi-

"Definitely Type A . . ."

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dence has loads of room) and forbidding them to have daily Mass. Doubtless in the old days many of Vietnam's Catholic elite might have deserved to be brought down a peg or two. Today, however, the Church is completely dispossessed and yet even more of a challenge to the government.

St. Joseph's Cathedral tells the tale in sad grey walls representing fifty years of neglect. Mass is permitted only twice a day, at 5:30 A.M. and P.M., but the Sunday service we attended was packed, and the papers reported that on Christmas Eve there were overflow crowds. As I pass the statue of Our Lady in its very sorry state, I nonetheless suspect that for all its trials the Cross will remain in Vietnam long after the hammer and sickle have become a footnote.

On my last day here, I make the round of the art galleries. In Hong Kong, where I live, Vietnamese artists are quite popular and the prices have escalated accordingly. Most prominent of these is the late Bui Xuan Phai, whose street scenes of Hanoi suggest Degas and whose works go for about three times those of any other Vietnamese artist. Alas, the world's discovery of Vietnamese art is having two economic consequences. The first is a booming business in fake Phais; he seems to have produced more in the 7 years after he died than in the 67 years he was alive. The other is an explosion of bad art. In a nation where average annual income is $210 and a painting can easily fetch $300, more and more people are discovering the inner artist in themselves.

In an upstairs gallery, the young women all speak excellent English. We chat about America and the opportunities in Vietnam these days, and as they roll up a purchase, I decide to ask about the imprisoned Dr. Que.

After conferring with one another in Vietnamese, they turn to me. "He is involved with democracy and human rights?" one asks.

I admitted this was so.

"That is not a good thing to be involved in here."

Indeed.

A Country, Not a War?

DEPUTY Foreign Minister Le Mai likes to tell people he hopes Americans will come to think of Vietnam "as a country, not a

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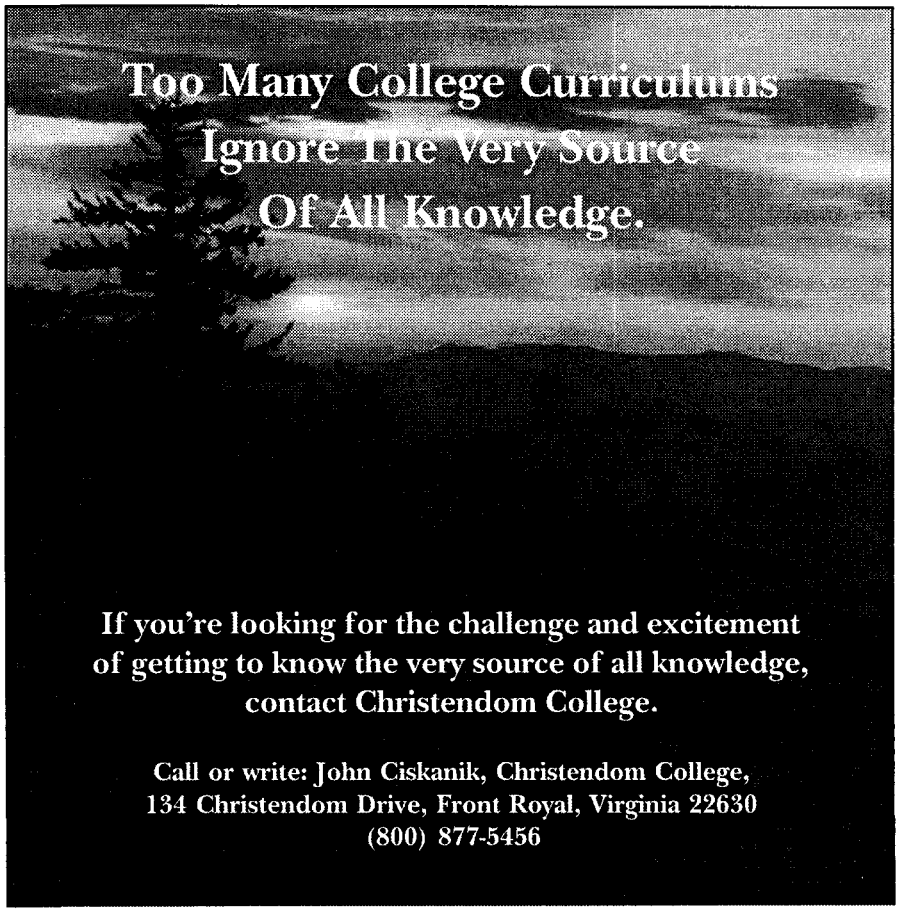
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war," but there are no signs that this will happen any time soon. Not, at least, as long as there's still money in the war. Everywhere you look there are memorabilia, from dog tags and shell casings to purple hearts.

And I wonder what Uncle Ho would make of CCB Tour (the initials stand for the Vietnamese words for "war veterans"). The bookshelf in its modest offices includes an American guide to major engagements of the war, and a glossy brochure lists several standard package tours to former battlefields. Tour #5, for example, tailored for vets from the U.S. 1st and 3rd Marine Corps and the 101st Airborne Division, covers the northernmost provinces of central Vietnam. "A visit of any Vietnam veteran to our country is to be a rendezvous with his or her youth," says the brochure.

Even those who couldn't have been more than infants when the war ended are not immune to the pull. While in Da Nang we stroll along the exquisite white beach, which offers little hint of the legions of grunts on R&R who once surfed and swam in its waves. My old college roommate spots three girls sitting up in the lifeguard's chair and thinks of inviting them to join us for lunch at the Soviet-built resort. They are obviously American, one of them dressed in classic Peace Corps style: braided hair, peasant blouse, long skirt and sandals. But our vanity is punctured when they ask us if we are vets (we are all too young by at least five years). "All we know about Vietnam is *China Beach*," says one, in reference to the Dana Delaney TV series.

They prove not to be the only Valley Girls on the beach. On a tour that takes us to the top of nearby Marble Mountain, we are surrounded by about a dozen Vietnamese girls, 10 to 15 years old, carrying outrageously overpriced souvenirs and jabbering away in conversations peppered with "okey dokey," "totally awesome, dude," and "hasta la vista, baby." I ask one of the girls where she learned to talk like this. Her answer is charmingly frank: "I watch too much television."

Opportunity Calls

WHEN I visited Saigon in 1989, I found it a relief after the dreariness of Hanoi but not without its own overtones of melancholy. The day I left, in the dingy waiting lounge at Tan Son Nhut Airport, I met a 42-year-old Vietnamese woman, who pulled out a sandwich bag of dog-eared photographs. There was a black-and-white shot of herself, many years younger and much prettier, but the most treasured picture in her bag was of her old American boyfriend. This was Harry, I learned, a North Carolinian with a grin and haircut right out of *Mayberry R.F.D.*

The woman's name was Nguyen Thi Xuyen, and she was one of 150 or so people in the lounge this day as part of the U.S. Orderly Departure Program, designed to bring out Vietnamese who had some link to the United States. In this case the link was the Amerasian son, sitting next to her, whom Harry had fathered 22 years before. Next to the son was a younger sister (by a Vietnamese father) crying furiously because she didn't want to go. "She does not want to leave her grandmother, my mother," the woman explained, and we left unsaid what both of us knew: their good-bye outside the airport door would be their last. The lounge was full of stories like this one.

In refugee camps across Southeast Asia that sense of desperation remains, but here it seems to be gone. In the South, where annual earnings are roughly twice those of the North, the fruits of *doi moi* are more abundant. The government reports 2.7 million registered motorscooters (a scooter costs about $1,500) and estimates there will be five million in five years' time. Boys as young as 8 or 9 years old line up outside the hotels to sell postcards and foreign newspapers that have been read before, but at least they are selling: in the Philippines they would simply stick out their hands and beg. The only incongruity I notice is the preponderance of South Vietnamese army vets among the cyclo drivers, suggesting that not all are welcome at the banquet of the new Vietnam.

Even the currency suggests that history has not quite turned out the way it looked back in 1975. The greenback might be shrinking everywhere else, but here in Vietnam a dollar is still a dollar. The amounts involved are staggering. Estimates of actual American notes in circulation range from $600 million to $2 billion, with perhaps another $3 billion in gold. It is possible for the American to spend a month here and never have to change money.

Total foreign investment is given as $13.7 billion, and the government's goal is to double per-capita income to $420 by the year 2000. While foreign businessmen (especially those who have had experience with China) generally have good words for Vietnam's reforms, they are not without their difficulties. The legal code is as yet incomplete, as are rules governing who can actually sell land rights in a country where the state nominally owns all land, and until the Vietnamese clarify these and other issues most of the investment they get will be from overseas Chinese, who are more comfortable working in this kind of Wild West environment. The Vietnamese are desperate for the as yet elusive American investment, both because they see it as a wedge against China and because they are keen to have the larger-scale projects American money would mean. Yet should the government make good on a directive outlawing the use of the dollar, by imposing more currency controls, much of that $13.7 billion in investment—most of which is only pledged and has not yet arrived—will never materialize.

Yet for all the problems, Saigon is shedding its olive drab for high heels and slit skirts. It may not be as cultured a city as Hanoi, but there is enough here for those in search of old ghosts: the Caravelle Hotel, from whose bar the American press once covered the war; the Continental, where Graham Greene's *Quiet American* would come for a beer; the Rex, once Bachelor Officers' Quarters for the U.S. forces and whose kitschy rooftop restaurant looks just as it did in its heyday, complete with those ubiquitous porcelain elephants brought home by a whole generation of soldiers.

Doors Opening

YET overall it is hard not to be bullish about Vietnam's future. It may come too late for brave men like Dr. Que, but by opening the door to outside investment Vietnam has also opened the door to outside ideas. To be sure, the relationship between an open economy and a liberal democracy is neither as simple nor as direct as advocates have sometimes claimed, not least in Asia, where it is complicated by tradition, history, and, today, fear of American-style social chaos. But whether or not the Viet-

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namese ever get genuine democracy they are getting something even more precious: the privatization of their lives. In statistical terms, this is reflected by the dwindling of 12,000 state enterprises to 6,000 and the demobilization of more than half a million men from what was, only a few years back, the world's fifth largest army.

Nor is it only on the Vietnamese side that these changes are visible. As far back as 1961, Lyndon Johnson, returning from a fact-finding trip to Vietnam, stated that the challenge was not Communism but hunger, ignorance, poverty, and disease, and the corresponding export of the Great Society to deal with it helped corrupt a society that was less prepared for it than ours was. Today that has all changed. Opportunity International has superseded USAID; Federal Express has replaced Air America; and the Americans in Hanoi these days are businessmen trying to make a buck, not prisoners of war in the Hanoi Hilton.

With the understandable exceptions of architecture and cuisine, moreover, Vietnam's engagement with America has led it to a marked preference for American goods. When Vietnam Air was shopping around for planes, it wanted Boeing, not French Airbus. The pirate CDs sold on the streets are Mariah Carey and Tina Turner, and if there is a war these days it's the one for market share between Coke and Pepsi. "Before, the Vietnamese thought that their problems would be solved if only the Americans left," says Bud Williams, a Special Forces veteran who runs a consulting firm out of Hong Kong. "Now they think that their problems would all be solved if only the Americans would come back. They were wrong then and I think they are wrong now."

Back in front of the old, neglected embassy, I marvel at the extraordinary turn of events twenty years after our rooftop retreat. A few months ago the grounds were full of rusting metal drums and overrun grass. But today the building is being spruced up, and the workers patching up the sidewalk out front tell me they are getting ready to give it back to the Americans. As I shade my eyes to look up at the rusting helicopter pad, a young, mustachioed Vietnamese whizzes by on his motorscooter and shouts to me, "America Number One." It's nice someone still thinks so. □

The Dismissal of a House Historian

TRIAL BY FIRESTORM

The case of Christina Jeffrey teaches a lesson in journalistic ethics—and political loyalty.

TRACY LEE SIMMONS

RECRUITED by Newt Gingrich last December as the new House Historian—who is charged with documenting and informing the public on the workings of the House—Christina Jeffrey rose swiftly from relative obscurity as a college professor from Georgia, only to fall twice as fast, branded an anti-Semite, Nazi sympathizer, and racist before the entire nation.

On January 9, Charles Schumer (D., N.Y.) rose to the House floor and called Mrs. Jeffrey's appointment "an affront to my constituents who survived the Holocaust . . . and millions of Americans." Barney Frank (D., Mass.) had already called her views "wacko" and "offensive." Even after Gingrich fired her, some Democrats weren't satisfied. Minority Whip David Bonior asked ominously, "What did Speaker Gingrich know about her extreme views, and when did he know it?" Patricia Schroeder (D., Colo.) wanted to know the same thing. And Mr. Schumer contended that questions remained which "must, must be answered."

Mr. Simmons is an NR *editorial associate.*

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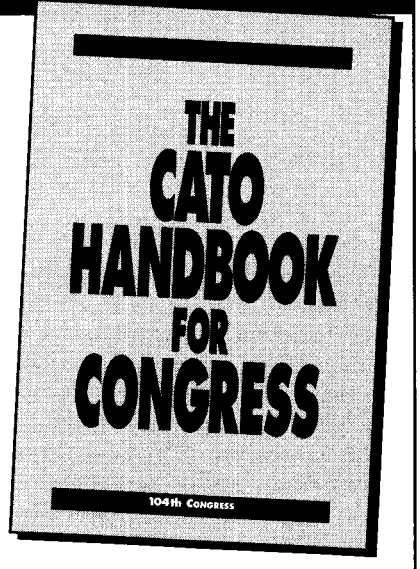

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Enter the watchdogs of the Fourth Estate. The *New York Times* pronounced Mrs. Jeffrey an "ideologue" who was wrong for the job even before these "alarming revelations," and wagged its magisterial finger at Gingrich, accusing him of "small-town cronyism" for hiring a constituent. The *New York Post* weighed in, saying Mrs. Jeffrey was "either a woman with no judgment and limited control over the manner in which she expresses herself—or she's an indiscreet bigot." Raymond Sokolov, in the *Wall Street Journal*, let off a barrage of abuse in a commentary entitled, "Shunning the Yahoo Point of View," calling her an "unreconstructed anti-Semite" who hails from an "unenlightened backwater." "It is one thing to hate Jews," he wrote. "Any moral dwarf can do that. But it takes an especially ignorant and fact-resistant sort of historian to believe that there is a viable Nazi point of view on the subject [of the Holocaust]."

Clearly, Mrs. Jeffrey's transgressions had rated high on the roster of grave public sins. But did any of these people who so confidently take responsibility for shaping public policy try to ascertain just what her views were?

The Smoking Gun

MRS. JEFFREY'S crime had been committed more than eight years before. In 1986, when she was teaching in Alabama, she accepted an invitation from the U.S. Department of Education to act as a volunteer lay reviewer of various grant proposals for the National Diffusion Network. One of those proposals, called "Facing History and Ourselves," aimed to instruct middle-school teachers on how to teach ethics, or "values clarification." Genocide was used as a situation example.

In her confidential review, Mrs. Jeffrey raised candid objections. The proposal "used the Holocaust to try to paint the United States as genocidal and to scare middle-schoolers into accepting leftist ideology about this country," she later wrote. "The course also compared the illegal lynchings of blacks in the South by the KKK with the legal extermination of millions of Jews in Europe. . . . I was appalled at this exploitation of the Holocaust and tried to say so in my response on the grant review instrument."

That instrument—the one and only smoking gun in this case—was eight pages of standard government-issue paperwork. Reviewers were instructed that "in applying each criterion the Secretary [of Education] considers the extent to which excellence, balance, and imagination are demonstrated in the proposed activities." Thus the word "balance" came to be used when Mrs. Jeffrey made her evaluation. Asked "the extent to which the strategies and activities proposed to implement the project are likely to accomplish the project's objectives successfully," Mrs. Jeffrey wrote: "The project itself lacks balance; will former Nazis, etc., be asked to speak?" She explains, "I was making fun of the very idea that a program on the Holocaust even could be evaluated for balance. What kind of balance could there be? It can't be done." Missing the sarcasm, opponents later used this sentence as proof that Mrs. Jeffrey placed Jews and Nazis on an equal moral plane.

On the eighth page she was asked for an "overall assessment" of the grant application. In the last of four paragraphs, she wrote, "The Nazi point of view, however unpopular, is still a point of view, and it is not presented; nor is that of the Ku Klux Klan. The selection of only two problem areas, Germany and Armenia, leaves out many others, many of which are more recent. I am thinking of the USSR, Afghanistan, Cambodia, and Ethiopia among others. No explanation of this selectivity is given." The program as written, she thought, had failed to account for the origins of the Holocaust, origins that would only be obscured further by the imputed linkage between the lynching of blacks in the American South and the government-sanctioned murder of Jews in Nazi Germany. In short, this effort to "clarify values" made for bad history.

Mrs. Jeffrey wasn't alone in her criticism of "Facing History and Ourselves." Writing in 1990 for *Commentary*, Holocaust scholar Lucy Dawidowicz agreed: "Putatively a curriculum to teach the Holocaust, Facing History was also a vehicle for instructing 13-year-olds in civil disobedience and indoctrinating them with propaganda for nuclear disarmament." Mrs. Dawidowicz also said the last chapter of the proposed text supplied "exercises in outright political indoctrination in currently fashionable causes."

That version of the grant proposal was ultimately rejected. But the political flak had just begun. Two years later, in October 1988, Representative Ted Weiss (D., N.Y.) chaired hearings in a subcommittee of the House Committee on Government Operations on the "Department of Education's Refusal to Fund Holocaust Curriculum." Under the Freedom of Information Act, the Department was obliged to release a list of the reviewers' names, but actual reviewer comments were not to be disclosed. In fact, Mrs. Jeffrey's review had already been leaked to the press. Suddenly the fall guy for the Department in the face of liberal criticism, she was dubbed anti-Semitic, and her review was printed in the official record. Not informed of the hearing, she submitted a written defense afterward, but her statement was excluded from the record.

Mrs. Jeffrey believed the Department of Education had consented to her vilification. In 1989 she appealed to Senator Richard Shelby (D., Ala.), who secured a letter of explanation and regret from Assistant Secretary Patricia Hines. "Denial of that funding application has created an extended controversy, and disclosure of her comments in the media has created a great deal of misunderstanding about the program and [Mrs. Jeffrey's] own views," Miss Hines wrote. While conceding that certain comments were "ambiguously phrased," she stated that in fact Mrs. Jeffrey had acted "in good faith" and "to the extent that any Department of Education official has characterized [Mrs. Jeffrey] herself as racist or anti-Semitic, we do indeed apologize." This was not the most spirited defense, but it did go some way toward setting the record straight. And there the whole matter ought to have rested.

In 1989 Mrs. Jeffrey met Newt Gingrich, who would soon become her congressman when she moved to Georgia to teach at Kennesaw State College. As a professor of political science, she arranged internships for her students to work in Gingrich's district office. She also helped him promote his televised college course, "Renewing American Civilization," defending him when other members of the faculty objected to the course being taught there. Thus were the two professionally and politically linked before the Republican victory last November. In December, he offered her the post of House Histori-

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an, a job she had not sought. She accepted. By New Year's Day she had moved with her family to Arlington, Virginia, to take up her new duties.

They didn't last long. Scenting blood, Democrats charged to the floor to voice their indignation that a "Nazi sympathizer" and "racist" had been named House Historian. After a few days' bombardment from colleagues and the press, Gingrich capitulated and fired Mrs. Jeffrey on the evening of January 9. In the aftermath of the firing, members of Congress showed no compunction about having used Mrs. Jeffrey as cannon fodder. Representative Frank, whom I tried unsuccessfully to reach, told the *Washington Post*, "Gingrich is the one who fired her. We just pointed out what she had done." Josh Isay, spokesman for Representative Schumer, said, "If anyone ruined Christina Jeffrey's chances to be House Historian, it was Christina Jeffrey. She was fired for no other reason than her own extremist views of history and education." Even White House spokesman Michael McCurry joined the fray, wondering "how someone with those extreme views would have been considered in the first place."

However reprehensible such behavior may be coming from her enemies, it is at least politically understandable. Not so much the behavior of her allies. Immediately upon Mrs. Jeffrey's dismissal, a ruckus arose over what Gingrich and his staff had known about her background before she was hired. "What she said, what she stood for, was not hidden," Schumer said. "Why didn't they find it?"

This is not a bad question. On January 12, three days after the firing, Richard Cohen wrote a scurrilous column for the *Washington Post* in which he called Mrs. Jeffrey a "jerk" whose criticism of the original grant proposal had been "insensitive and outrageous, not to mention false." But he also speculated that "the swiftness with which Gingrich dispatched Jeffrey to her academic Dogpatch suggests that he knew all too well what she had written." And he implicated Gingrich's staff as well. This drew the ire of Tony Blankley, Gingrich's press secretary, who wrote back to the *Post* and, referring to Mrs. Jeffrey as "that woman," claimed that he and the Speaker had been unaware of the earlier controversy. Unquestioned by Cohen and Blankley alike was Mrs. Jeffrey's guilt; the only issue to be settled was the assignment of blame for bringing her aboard.

But those who know Mrs. Jeffrey well have rejected the charges of bigotry since they first arose. In 1987, after the first story about the curriculum evaluation appeared in the *New York Daily News*, Rabbi Bernard Honan of Congregation Beth Israel in Charlottesville, Virginia, wrote on Mrs. Jeffrey's behalf to the Atlanta chapter of the Anti-Defamation League. Rabbi Honan, who had known Mrs. Jeffrey for 17 years, said she was "an intensely fair person, and it is my conviction that she has been maligned viciously." He noted that she had "suffered mental anguish unfairly at the hands of a newspaper . . . which has never been known for the quality of its journalism or for its objective reporting."

Perhaps the most impassioned and eloquent defense has come from Barry D. Friedman, an associate professor of political science at North Georgia College, who has known Mrs. Jeffrey for 8 years. Friedman, the son of a Holocaust survivor, hurriedly faxed a letter to Gingrich's office on January 9, certifying Mrs. Jeffrey's credentials and character. "From where I stand," he wrote, "seeing one of my closest friends vilified as a person who is hateful toward or insensitive to people of my ethnic background would be laughable were it not so manifestly and profoundly unjust."

Three weeks later, Mrs. Jeffrey's job lost and her reputation soiled, Friedman wrote another letter to Gingrich. "By making it apparent that Christina is a villain, you and Mr. Blankley have manufactured a smoke screen that will confound decent people trying to understand the world around them. That you have let this happen, and it now appears to have been fully deliberate, is an unforgivable offense. Accordingly, I will never forgive or forget what you have done to Christina, to those of us who care about her, and to those who might have liked to know the truth about her."

"And what exactly have you been doing since you graduated in June?"

Gingrich Breaks His Silence

SO WHY didn't Gingrich and his staff support her? Did they in fact come to believe the charges? Gingrich himself was uncharacteristically mute during the crucial hours when Mrs. Jeffrey was hung out to dry. She was abandoned without a consoling word to her or an exonerating word to the public.

Finally speaking on the issue after three months, Mr. Gingrich readily concedes that Mrs. Jeffrey is neither an anti-Semite nor a racist. "As time goes on," he says, "and as people get to see and hear her on talk shows, read her op-eds, and get to encounter her as a person, they'll realize that there's an enormous gap between the engaging and intelligent woman that they're now seeing, and this caricature that the Left has tried to create."

Gingrich explains his decision to fire her this way: "She made in what should have been a confidential document a deliberate hyperbole to drive home a point about a program which many people agree was biased and prejudiced. However, taken out of context, that hyperbole was so unsustainable that the amount of effort we could have put into explaining it would have been drowned by the efforts of the Left, who at that moment were desperately seeking some way to destroy my speakership and stop the momentum of the House Republicans.

"Christina saw herself under attack, and she wanted her friends to stand up for her, and that's legitimate on her part. But at the same time, she had never been through what a Washington firestorm is like once the full mechanisms of the Left are engaged. I don't think she had any sense of just how vicious it could get.

"Now, our consideration was twofold. First, in the end, was she likely to survive? And our feeling was, no. Second, we were likely to use so much capital over a job that, historically, either had not existed or had not been noticed. And it would have absurdly slowed down the momentum of the Contract. So as a practical matter, I wanted her to back out before she got

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smeared so bitterly, because she could never have recovered. Frankly, one of the most bitter decisions I had to make in the first months of the 104th Congress was this one."

Mrs. Jeffrey, who is writing a book about her experience, understands the reasoning but disagrees. "All it would have taken would have been the Anti-Defamation League and other Jewish people coming forward and setting Newt straight," she says. "Then the Democrats would have had to back off. Nobody would have believed them. You can always back down. But how long can you do that?"

It may well be that, after the savage attack on Mrs. Jeffrey's character, saving her job would have burned precious political fuel. Nonetheless, why was no effort made to explore the validity of the allegations against her and, if they proved unfounded, to try to clear her name before she returned home? After all, the professional and personal reputation of a friend was involved. Shallow spadework would have revealed both the honest misunderstandings and the political posturing behind the charges. Instead, Gingrich was silent, and Blankley exacerbated suspicions about Gingrich's loyalty by speaking dismissively of Mrs. Jeffrey to reporters. Asked recently by *Roll Call* whether the Historian's position would soon be filled, he said he didn't know, adding, "I'm just glad that the other one is gone." Mr. Blankley did not return my calls.

Human Events reported that Gingrich's action had "appalled many conservatives who feel he needlessly—and brutally—mistreated a woman who has been a stout friend and supporter." It quoted an anonymous Republican staffer who sounded the same note: "Those conservatives who saw how easily Gingrich ditched Jeffrey have to wonder how loyal he's going to be to his own troops."

Before leaving Washington, Christina Jeffrey arranged what turned out to be a pleasant meeting with one of her detractors, Representative Schumer. By her account (Schumer's office did not reply to repeated requests for an interview), the congressman said he recognized she was not an anti-Semite. "But," he said, "your friends should have supported you." □

A Debate

CONGRESS AND THE EXCLUSIONARY RULE

Would killing the exclusionary rule repeal the Fourth Amendment—or restore it?

ROBERT E. BAUMAN

"THE greatest dangers to liberty lurk in the insidious encroachment by men of zeal, well-meaning but without understanding." It's almost as if, way back in 1927, Supreme Court Justice Louis D. Brandeis foresaw the advent of the 104th Congress and the so-called anti-crime provisions of the "Contract with America."

Mr. Bauman is an attorney and writer living in Florida.

Brandeis's eloquent dissent was rendered in a case interpreting the Fourth Amendment, that revered provision of the Bill of Rights that for 204 years in theory has prohibited an American police state by forbidding unreasonable searches and seizures.

One can imagine the reaction of the late Justice had he returned to witness the scene in the House of Representatives when, by a roll-call vote of 303 to 121, the crime-busting congressmen rejected the actual language of the Fourth Amendment, after the chief sponsor of the "Exclusionary Rule Reform Act of 1995," Bill McCollum (R., Fla.) made the astounding claim that its inclusion would "gut the bill."

The bill in question, HR-666, now pending in the U.S. Senate, went on to sail through the House by a vote of 289 to 142, even though it eviscerates the traditional guarantees of personal privacy and freedom. A subsequent *New York Times*/CBS News poll showed 69 per cent of Americans opposed to warrantless searches such as the bill permits, suggesting that Congress is out of step with both the Constitution and the people.

The Fourth Amendment has two parts, a) a prohibition against "unreasonable" police search and seizure, and b) a specific requirement 1) that police may obtain a search warrant from a judge only after a showing of "probable cause," and 2) that warrants must particularly describe the place to be searched and the things to be seized. This is the heart of the Amendment—forcing police to convince a neutral magistrate that the totality of the circumstances indicates that evidence of a crime exists.

As James Jackson Kilpatrick observed in opposing the bill, while most Americans will rarely if ever avail themselves of most other constitutional protections, "the Fourth Amendment is the one provision of the Constitution more vital to human liberty than all the rest . . . [because it] embraces us all." Our home really is our castle.

Representative McCollum's deplorable bill effectively repeals the constitutional duty of police to obtain a search warrant. Instead, any rookie cop or eager DEA or FBI agent is empowered to kick down your door if he personally has formed "an objectively reasonable belief" that his action is "in conformity with the Fourth Amendment." The constitutional interpretation of your right to privacy would be delegated by Congress to that well-known local civil libertarian—the cop on the beat.

As a conservative, a Republican, and a former member of Congress viewing the capricious and driven atmosphere of Gingrich's reign of terror, I wonder if any of these "representatives" have read any American history.

The First Congress of the United States, on September 25, 1789, forwarded to the states 12 Amendments

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to the new Constitution. This was done, in the words of Congress, because the states had "expressed a desire, in order to prevent . . . abuse of power, that further declaratory and restrictive clauses should be added," among which was the Fourth Amendment. The ten Amendments ratified became our "Bill of Rights."

The 1789 prohibition against warrantless searches and seizures was rooted in very real contemporary history. The Amendment was the direct product of the fear and humiliation experienced by thousands of colonial Americans at the hands of King George III's agents.

Crown revenue agents were issued blanket "writs of assistance" empowering each officer at his own discretion to search suspected places for smuggled goods. So widespread and brutal were these police actions that the fiery James Otis, an early leader of the Revolution, denounced the writs in a February 1761 speech as "the worst instrument of arbitrary power," since they placed "the liberty of every man in the hands of every petty officer." No less a witness to history than John Adams characterized Otis's denunciation with the opinion: "Then and there the child of Independence was born."

In *Weeks* v. *United States*, the 1914 decision that established the so-called "exclusionary rule," Chief Justice Edward D. White of Louisiana recalled this hallowed history as a unanimous Court held that evidence illegally obtained by police in violation of the Fourth Amendment would no longer be admissible in federal courts. In 1961 this rule was extended to state courts as well. The main purpose of the rule is to deter police misconduct, and except for this mild sanction, little does. As Justice Robert Jackson put it in a 1948 case: "[To justify] officers in making a search without a warrant would reduce the Fourth Amendment to a nullity and leave the people's homes secure only in the discretion of police officers."

Attacks on the Amendment

AS POLITICIANS have frantically tried to outbid each other in "wars" on drugs in particular and crime in general, the exclusionary rule has been ritually denounced as a "legal technicality" allowing criminals to go free. This was the demagogy codified as part of the GOP's Contract with America. This scare tactic is pure myth. Various studies by the General Accounting Office, the American Bar Association, and the National Institute of Justice have shown that possibly less than 1 per cent, and at most 2.35 per cent, of criminal cases are dismissed because of the rule. As they should be.

In the last twenty years warrantless raids and ransackings have become standard police procedure, and, except in the most outrageous instances, the courts give routine approval for exceptions where evidence is in plain view, police are in hot pursuit, or evidence might be destroyed. The big break for unbridled police power came in 1984 when the Supreme Court held that illegally obtained evidence could be admitted if based on "good faith" use of a warrant later determined to be defective. The Republicans now want to go one better and remove even the need for the warrant.

Proponents of curtailing the exclusionary rule argue that internal police disciplinary measures will curb any misconduct (ask Rodney King about that), or that injured citizens can sue police for civil damages, presumably after these aggrieved citizens have been convicted of crimes based on the illegally obtained evidence. Fat chance.

The measure of congressional cynicism was taken when the House adopted floor amendments retaining the exclusionary rule on searches by agents of the Internal Revenue Service and the Bureau of Alcohol, Tobacco and Firearms, but rejected an amendment imposing the rule's application on agents of the Immigration and Naturalization Service.

A decade ago Kevin Phillips suggested the Republican "New Right" contained the inherent potential for what he unhesitatingly identified as "American fascism," the formation of an electoral majority by blatant appeals to anger, frustration, and prejudice. In spite of ceremonial lamentations about excesses of government power, congressional "conservatives" seem willing to jettison the principles of limited government, sacrificing individual rights as a sop to a perceived majority.

Nowhere is this unprincipled policy more evident than in the attack on the Fourth Amendment. □

WHY STOP HALFWAY?

MORGAN O. REYNOLDS

A MOTORCYCLE cop stops a speeding car. Without a search warrant but suspicious, the policeman demands that the driver open his trunk and discovers the corpses of a woman and two children. The man later walks out of court scot-free because the evidence was inadmissible. The criminal's Fourth Amendment rights had been violated.

This miscarriage of justice supposedly improves the protection of our civil liberties, but it does no such thing. The entire theory of suppressing illegally obtained evidence in criminal court is misguided.

The exclusionary rule was concocted by an imaginative Supreme Court in *Weeks* v. *United States* in 1914. Until then, little had been heard about reckless abuse of citizens' constitutional rights by federal law-enforcement officials. The agitated Justices declared that, without their little creature, the Fourth Amendment was "of no value" and "might as well be stricken from the Constitution."

In 1961 Earl Warren and Company initiated their do-good revolution in criminal privileges by imposing the exclusionary rule on all state courts in *Mapp* v. *Ohio*, a breathtaking expansion of power considering that more than 90 per cent of criminal cases are prosecuted by the states. Between 1920 and 1960, half the states had allowed pertinent evidence into criminal proceedings, even if it had allegedly

(Continues on page 76)

Mr. Reynolds is director of the Criminal Justice Center of the National Center for Policy Analysis and professor of economics at Texas A&M University.

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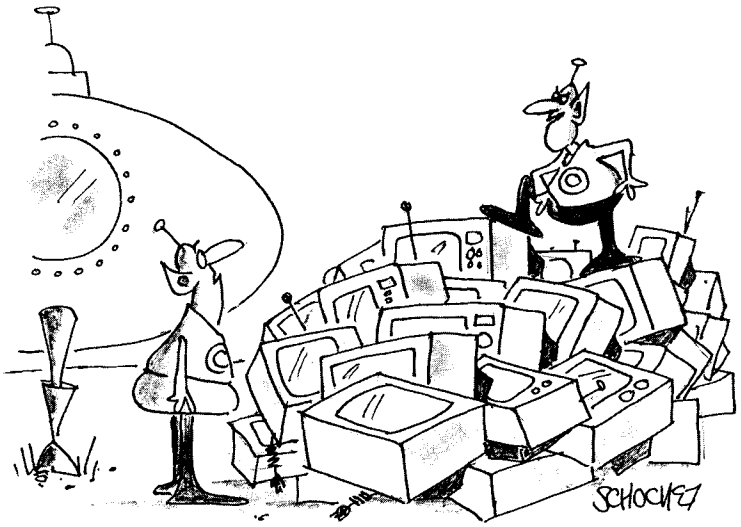
helo

Glorobots

All the robots, the engineers say,
Will have her man-like muscles someday,
  And show off their biceps,
  Their quadri- and triceps,
And do sit-ups and rub with Ben Gay.

GLORIA A. MAXSON



"I've separated them from their life support systems."

"It's for my dad . . . he overslept."

"I think there's more to this than a simple test of gravity."

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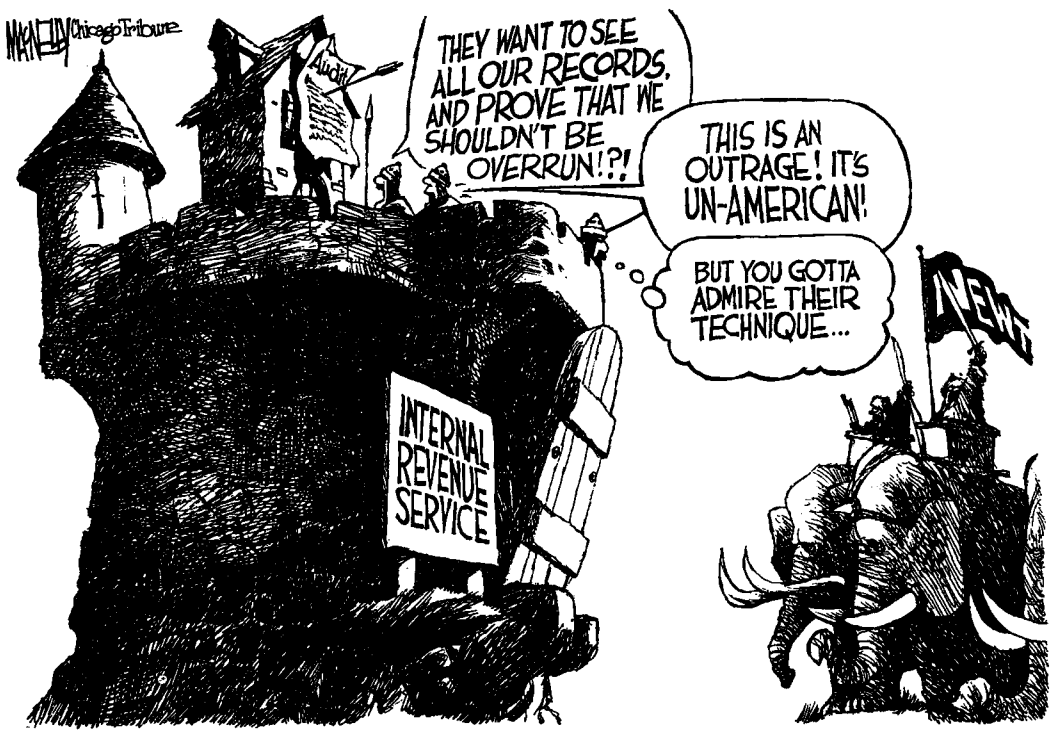
MACNELLY Chicago Tribune
Audit
THEY WANT TO SEE ALL OUR RECORDS, AND PROVE THAT WE SHOULDN'T BE OVERRUN!?!
THIS IS AN OUTRAGE! IT'S UN-AMERICAN!
BUT YOU GOTTA ADMIRE THEIR TECHNIQUE...
INTERNAL REVENUE SERVICE

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THE VICE PRESIDENT
WASHINGTON

April 23, 1995

Dear Rusty,

Happy Earth Day!

I'm taking a break from all the festivities on the Mall by sorting through a lot of old paperwork for a trip to the recycling dumpster.

You wouldn't believe how much useless paper a Vice President can accumulate—even one as influential as I am. Just from the first two years, there's the minutes of the Economic Summit, the Timber Summit, Goals 2000 (an education initiative, I think), the Health Care Task Force (on CD-ROM, so not really recyclable), and the multi-volume guidelines for reinventing government. All heading to the pulp-pre-processor, the dye-leecher, the pulp re-constituter, and back into government documents. Talk about your efficient eco-systems!

Little Al is here too, and he says "Hi." I'm spending my Earth Day with him—kind of a father-son one-on-one thing—because he was a little hurt to be left out of Take Your Daughter to Work Day.

Frankly, Take Your Daughter to Work Day couldn't have come at a more awkward time. Karenna, on spring break, stopped off on her way to Chiapas to spend the day with me, which meant that all three girls had to be security-cleared for my NSA briefing on international terrorism, which Little Al would have loved, and that took about two hours, because it turns out, unbeknownst to Tipper and me, that Karenna has joined the New Alliance for Freedom at Harvard, and since they advocate the overthrow "by any means necessary" of the Federal Government, well, what can I say? It was awkward, and Karenna didn't appreciate having guns drawn on her.

Then, right after lunch, Sarah—who's taking an economics course at National Cathedral School—accused Bob Rubin at a monetary policy meeting of bashing down the dollar as leverage in trade talks with Japan. I have to admit that, although I'm not sure Sarah is right, the $17,500 a year tuition seems to be money well spent. She really had Bob going. And until Chelsea Clinton—who, it turns out, is taking an "Economics of the Third World" course at Sidwell Friends—turned the discussion to the Mexican bailout Bob was really on the hot seat. Bob doesn't have any daughters.

All I could think during the day was how sad Little Al was not to be included. I don't mean to criticize the idea behind Take Your Daughter to Work Day, but it seems to me that when you have someone like Ron Brown, who, frankly, encouraged his daughter to go office to office to sell Girl Scout cookies, well then you've pretty much missed the spirit of Take Your Daughter to Work Day and they should open it up to boys as well.

Little Al would have really liked my last meeting of the day, when Paul Begala and Jim Carville presented their electoral-map breakdown of the '96 campaign. Al's best subject is geography, and he would have enjoyed coloring Wisconsin and the District of Columbia red. Sarah and Chelsea got into an argument over Nixon's "Southern strategy," while Karenna accused Begala and Carville of manipulating the underclass. Bill and I were a little lost, let me tell you.

Back home, I had to insist that Karenna turn in her temporary Security Clearance Level IX badge and some of the surveillance photos she took from the NSA conference room. She was planning to give them to the teaching assistant in her Poli-Sci lecture class, "Methods and Modes of Control: American Policymaking and Genocide 1981–1992," until I convinced her that this was not what Gloria Steinem and Patricia Ireland had in mind when they came up with Take Your Daughter to Work Day. Sarah went right to her room to work on a piece she's sending to the Washington Post op-ed page, and Kristin made Little Al very jealous by telling him that she had been allowed to ride in a tank and fly an attack helicopter. I spent all evening trying to convince him that this wasn't true, but he cried and cried, and finally blurted out, "I wish I was a girl!" which, when I think about it, is exactly what Gloria Steinem and Patricia Ireland had in mind when they came up with Take Your Daughter to Work Day.

Ron Brown's daughter called several times asking for her money, and when Tipper asked her which Girl Scout troop she was in, she apparently gave very vague replies. Little Al then cried, "You guys got cookies?!" and burst into tears again, which was another hour or two of consoling. I had to promise him a man-to-man Earth Day, just me and him, recycling, reusing, and reducing to save Mother Earth, at which point he muttered darkly to himself: "Even the earth gets to be a girl," and I motioned to Tipper to take over.

It's tough raising a son in the Nineties, Rusty. Especially around Take Your Daughter to Work Day. Next year, it's Tipper's turn.

Your pal, Al

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Of Cranes and Skyhooks

JOHN POLKINGHORNE

IT IS the season, it seems, for Astonishing Hypotheses and Dangerous Ideas, notions claimed to be at once so simple and so powerful that they yield accessible solutions to the problems that have plagued human thought for many centuries. At last it can be told—or that is what the proponents declare to us.

Daniel Dennett's version of this philosophical nostrum is one that has been around for quite a while. It is none other than the Darwinian idea of the evolution of complexity through the process of natural selection. It is presented to us, not as an outstanding insight into the biological history of the development of life, but as the answer to practically any question. "Darwin's dangerous idea is reductionism incarnate, promising to unite and explain just about everything in one magnificent vision."

There is something fishy about these proffered intellectual passkeys that turn every lock. Even in physics, grand unified theories are very hard to find, and it surely cannot be easier to discover them in the much broader realm of inquiry that we might call metaphysics. Of course, there is something in the insights thus offered; it is simply the claim of their omnicompetence that looks like overkill. Characteristically, such schemes present a simple and appealing pattern of explanation which seems flexible enough to fit many cases. Evolution through the competition to survive is like that; so is the Hegelian dialectic of thesis and antithesis leading to synthesis. Once one has got the hang of such a pattern, it is rather easy to twist things into that pleasing shape. Once one knows that survival value is the key, then of course there must be a lot of survival value around. Ideas become self-fulfilling. This leads to those conjectured tales which Stephen Jay Gould has rightly described as Just So Stories. They are similar to the way in which simple-minded religious believers tell pious tales to the effect that all that happens is absolutely, and in an unqualified way, for the best. The real world is more complicated, perplexing, and interesting than any of these facile accounts.

Darwin's Dangerous Idea: Evolution and the Meanings of Life, by Daniel C. Dennett (Simon & Schuster, 586 pp., $30)

Dennett is far too clever to fall for the grosser forms of reductionism. He calls them "greedy reductionism" and chides the likes of B. F. Skinner and Edward O. Wilson for being too crude in their attempts at explanation. His own reductionism is much more sophisticated. One of Dennett's gifts is the ability to invent lively and tendentious terminology and stories in order to back up his line of argument. He characterizes the battle over reductionism as being "cranes" versus "skyhooks." The cranes are built from below and they represent the complexity and novelty that arise from the interplay of constituent bits and pieces, the combined effects of many elementary events. The skyhooks are to do duty as representatives of organizing principles or acts of a holistic character, whose nature and consequences will not be discernible if we restrict ourselves to a reductionist account. Of course the name is chosen to suggest that such top-down concepts are of an implausible or frankly fabulous character. "Skyhooks are miraculous lifters, unsupported and insupportable. Cranes are no less excellent as lifters, and they have the decided advantage of being real." This is clever debating technique but it is not the way to settle a serious issue. Skyhooks are not as unanchored as Dennett would have us think.

One of the serious questions that many physical scientists wish to ask about a purely Darwinian account of the evolution of life is whether there has been adequate time available to accommodate the amazing variety and complexity of change involved. Three to four billion years may seem a long period, but astonishing things have to have happened, not least in the rapid development of the hominid brain in the space of only a few million years. Is the patient accumulation and sifting of small genetic differences sufficient to accomplish this? Those who ask the question are not querying the idea that natural selection has a role to play, but they simply ask whether it is by itself totally adequate as an explanation. The questioners are not looking for a gap into which to insert the finger of divine intervention, but they may just be seeking a more comprehensive and persuasive scientific account. People like Paul Davies (*The Cosmic Blueprint*) are very impressed with the remarkable drive to complexity present in cosmic history. Dennett occasionally refers to this time-scale problem, but it seems that neither he nor any other evolutionary reductionist is able to offer a convincing answer to it.

It seems entirely conceivable that there are holistic laws of nature, currently unknown but in principle scientifically discoverable, which drive the "optimistic arrow" of increasingly fruitful development. Dennett's own mode

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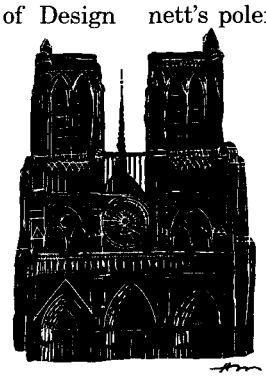
of exposition provides a way of thinking about how such laws might operate. He likes to talk about evolutionary history as an exploration of Design Space, the vast realm of cosmic possibilities. The way this exploration happens will not be totally random, for there is a metric imposed on Design Space (a pattern of hills and valleys) which tends to direct development in certain directions. The only source of this metric that Dennett will allow is the "fitness landscape," representing differential advantages for survival in the environment. He cannot know that there are not also natural holistic organizing principles at work, driving the increase of complexity and encouraging, say, the development of multicellular organisms despite the manifest survival success of single-cell entities such as bacteria. These principles would impose a further metric on Design Space and might, perhaps, be related to the spontaneous generation of order far from equilibrium. Holistic laws of this kind would be "skyhooks" in Dennett's terminology but they would not be "miraculous . . . unsupported and insupportable."



A skyhook of a more celestial kind would be represented by the purposive will of a divine Creator. This possibility is not to be dismissed by a few (deservedly) snide references to the foolishnesses of "creation science." There is a massive amount of human experience (including that of many of the most remarkable people who have ever lived), and a massive amount of deep human thought (including the reflections of many of the most profound minds that have ever wrestled with such problems), which takes absolutely seriously the existence of a transcendent dimension to reality, capable of lifting us above the level of the world of cranes. One of the successes of twentieth-century theology has been in finding ways of speaking of continuous creation which deliver us from the (theologically unacceptable) picture of an arbitrarily interfering God, replacing it with the concept of a Creator in sustained interaction with creation. All this human search for truth and understanding is apparently dismissed by Dennett as unworthy of consideration. Yet metaphysical myopia does not imply that the more distant view is illusory.

One of the characteristics of Dennett's polemical style is to demand almost deductive certainty of those whose views oppose his own but to allow the mere conjectural establishment of possibility as a defense for the opinions he espouses. We can see this at work in his brief treatment of the Anthropic Principle. This is the remarkable insight that the evolution of carbon-based life in our universe has been possible only because the fundamental physical fabric (as specified by the character and intrinsic strengths of the forces of nature) takes a very precise, "finely tuned" form. In other words, evolution by itself is certainly not enough as the explanation of cosmic fruitfulness. We can readily imagine many universes, close to us in cosmic possibility space, whose histories would be boring and sterile, however long they were left to the interplay of chance and necessity. It is only a very particular universe that is capable of evolving *anthropoi*. This is an insight that many writers on Darwinian self-sufficiency have chosen to ignore. To his credit, Dennett is prepared to give it a quick glance. Without claiming deductive certainty, many of us have viewed the Anthropic Principle as a significant hint in the direction that there is a purpose at work in cosmic history. We do not claim that it was ordained from all eternity that *Homo sapiens* should emerge into five-fingered existence (there is certainly historical contingency in a creation "allowed to make itself" through the evolutionary exploration of possibility), but the potential for the appearance of some kind of self-conscious (God-conscious) beings seems to have been built in from the start. What has Dennett to offer as an alternative? No cosmological speculation about evolving, even competing, collections of universes is too wild to be pressed into service. In his view, better a wobbly crane than a stable skyhook.

No one can deny that when it comes to human history, genetic effects are heavily overlaid by the consequences of culture, so much more effective in transmitting information from one generation to the next than the route provided by DNA. Dennett fully acknowledges the power of culture, but, of course, he wants to give a quasi-Darwinian account of it, using Richard Dawkins's concept of memes, the postulated units of ideas held to be comparable to those units of biological structure, the genes. For Dennett, the human mind is a "meme nest." "What makes a person the person he or she is are the coalitions of memes that govern—that play the long-term roles in determining which decisions are made along the way." Not only does this give an implausibly atomistic account of culture, but it also fails to do justice to the remarkable powers of the human mind. These go far beyond anything that appears susceptible of evolutionary explanation.

Of course, if we could not make generalizations such as "It is a bad idea to walk off a high cliff," we would not have lasted long in the struggle for survival. But an astonishing leap of the human imagination occurred when Isaac Newton saw that the same force that makes the cliff so dangerous also holds the moon in its orbit round the earth and the earth in its orbit round the sun. One can scarcely suppose that Albert Einstein's ability to go even beyond this by turning physics into geometry, and so discovering a theory of the spacetime of the whole cosmos, was the result of our ancestors having had to dodge saber-toothed tigers. Thomas Nagel rightly says, "Why not take the development of the human intellect as a probable counter-example to the law that natural selection explains everything, instead of forcing it under the law with improbable speculations unsupported by evidence?"

One of the most remarkable properties of the human mind is its mathematical ability to "see" the truth of certain propositions which Kurt Gödel has shown cannot be demonstrated within the given logical system under consideration. Roger Penrose (*The Emperor's New Mind*) has used this to argue that thought is not computing, that the mind is not an algorithmic crane. Needless to say, such a conclusion is unacceptable to Dennett. His response is to suggest that mathematicians do not really see truth in the way that they claim but, rather, that the algorithms "'for' *trying to stay alive*" have endowed them with the fortuitous power of being able to make "guesses" about mathematics which prove reli-

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able to an astonishing degree. Given the abstract power of mathematics and its apparent distance in most of its aspects from the world of everyday experience, this seems a pretty desperate and feeble response.

Dennett writes in a chatty, perky style, with all the self-confidence one might expect from the author of a book called *Consciousness Explained*. His present volume is another exercise in rhetorical debate, with the Other Side being not so much religious thinkers, who are more or less out of sight over Dennett's narrow horizon, but people such as Noam Chomsky, Stephen Jay Gould, and John Searle, who do not subscribe to the most rigidly reductionist Darwinian orthodoxy. The book provides an interesting but unpersuasive read. Dennett concludes by writing:

> Now, which meme do you want to use to express your judgment of Darwinism? Is it truly a Wolf in Sheep's Clothing? Then reject it and fight on; ever more vigilant against the seductions of Darwin's idea, which is truly dangerous. Or does Darwin's idea turn out to be, in the end, just what we need in our attempt to preserve and explain the values we cherish?

The fight continues. □

Major Paine

RICHARD BROOKHISER

A WRITER'S "concerns are with all mankind," wrote Thomas Paine in 1777, "and though he cannot command their obedience, he can assign them their duty." "Poor Paine [is] not the most prudent man in the world," wrote an American a few years later. These books support both judgments.

Tom Paine, by John Keane (Little, Brown, 644 pp., $27.95)

Collected Writings, by Thomas Paine (Library of America, 906 pp., $35)

John Keane's biography is hard going, thanks to its clumsy and cacophonous prose. To take one instance out of hundreds, Keane writes, of the style of *Rights of Man*, that "its author presented himself as a burping, farting rebel"—and he means it as a compliment.

Happily, Paine's life is writer-proof. He was born in England in 1737. As a young man, he worked as a privateer, a Methodist preacher, a corset maker, and a tax collector. In 1774, he sailed for America, with a letter of introduction from Benjamin Franklin, which got him a job on a Philadelphia newspaper; barely a year after arriving, he published *Common Sense*. It "burst . . . like Jove in Thunder," one patriot said. The 13 colonies had been in armed rebellion for half a year, but had not yet declared their independence. Paine showed them where they were going, and why they should go there. He accompanied Washington on the bitter retreat across New Jersey at the end of 1776, and a week before the battle of Trenton he published the first installment of *The American Crisis*.

> These are the times that try men's souls: the summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country; but he that stands it NOW, deserves the love and thanks of man and woman. Tyranny, like Hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph. What we obtain too cheap, we esteem too lightly. Tis dearness only that gives every thing its value. Heaven knows how to set a proper price upon its goods; and it would be strange indeed, if so celestial an article as FREEDOM should not be highly rated.

This was the republican equivalent of King Harry's speech on the Feast of St. Crispian, and it is greater because it was not a play.

After the war, Paine tried to build an iron bridge across the Schuylkill River. When there were no takers, he brought his design to France, in time for the fall of the Bastille. "A share in two revolutions," he wrote, "is living to some purpose." When Burke's *Reflections on the Revolution in France* appeared, Paine altered *Rights of Man*, which he had already begun, to respond to it. He made some clever hits at Burke's rhetoric—"he pities the plumage," he wrote of Burke's aria on the age of chivalry, "but forgets the dying bird." He did less well as a prophet: "Whom has the National Assembly brought to the scaffold? None."

Paine was elected to the National Assembly himself. After he had argued for sparing the life of Louis XVI, Danton told him that "revolutions cannot be made with rosewater." Paine almost lost his life twice: once to a mob, once to the guillotine—the wardens of the prison into which the Jacobins had thrown him overlooked his cell by accident. After Thermidor, he worked with Bonaparte on plans to invade England. But he fell out with the dictator, and returned to America in 1802.

President Jefferson treated him with respect, though not quite as much respect as Paine would have liked. But America and its advocate had changed during their years apart. *The Age of Reason*, an anti-Christian tract he had begun in prison, enraged his enemies and dismayed his friends. He moped and drank and lived almost undisturbed except for evangelists trying vainly to convert him. God "would not send such a foolish ugly old woman as you," he told one. He died in Greenwich Village in 1809.

The defining fact about Paine is that he was a journalist, one of the first great ones. Everyone in the business has known one like him: brilliant, stimulating, slovenly, feckless, conceited. He gave his hits away—he spent the profits of *Common Sense* buying mittens for the American Army—then scrambled for appointments and pensions. He quarreled with publishers, which many writers do, and with John Adams, which everyone did, but he also quarreled with almost everybody else.

His two theoretical works try to prove too much. In *Rights of Man*, he has no trouble showing, on his principles, that the first French constitution was superior to the British constitution. But his principles could not defend the French constitution from critics to its left. *The Age of Reason* has the humor of fundamentalism standing on its head: "one part of God is represented by a dying man, and another part . . . by a flying pigeon . . ." After such skepticism, Paine's paeans to deism sound sentimental. Creation, "the bible of the deist," shows at least as many caprices and barbarities as the one the Gideons distribute.

Though he grew up in England and

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held office in France, Paine was at his best and most at home during his first stay in America. Here he showed a strategic grasp of war and politics. Several of his policy recommendations —federalism, hard money—were sober. Paine peaked early—the greatest of his American works were written in his late thirties, when he had almost half of his life still ahead of him. The shape we see in our lives may be quite different from the shape others see, if they notice us at all. But if he had never peaked, it is possible that the United States might have been stillborn. May we always honor him. □

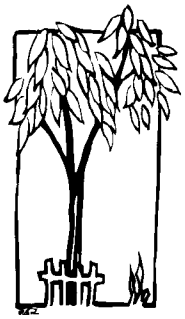
Out of Africa

GEORGE MacDONALD FRASER

ASANTE, more usually Ashanti, is little more than a footnote in British imperial history, remembered by a few as the country where Sir Garnet Wolseley made his reputation, and as the name of a curious green candy once popular with Scottish children, the "Ashanti plum." Fewer still could identify it with modern Ghana.

It has been Asante's fate to be misunderstood, chiefly by the British who incorporated it in their Empire after a sporadic struggle which lasted for most of the nineteenth century. One cannot really blame their lack of comprehension: an African state that practices human sacrifice but has indoor toilets flushed with boiling water; that has a highly developed bureaucracy but punishes gossiping wives with mutilation; that can muster an army two hundred thousand strong, splendidly drilled beyond anything else in Africa but equipped with no proper close-combat weapons; that goes in for head-hunting and occasional cannibalism but whose nobility are so festooned with gold they have to be supported and whose king wears a European suit and knows what the English newspapers are saying about him—such a country might well baffle politically correct modern liberals, let alone Victorian imperialists.

The Fall of the Asante Empire: The Hundred-Year War for Africa's Gold Coast, by Robert B. Edgerton (Free Press, 293 pp., $23)



Faced with this huge, dangerous, and unpredictable black empire looming over their trading foothold on the West African coast, an un-Christian slave state which was "an intolerable nuisance" and might even come under the influence of the French, the British did the inevitable: they took Asante over. How they did it, against enormous odds, and how the Asante resisted with a courage that aroused the invaders' admiration, is the theme of Professor Edgerton's book. It is a gripping story, heroic and pathetic, tragedy shot through with occasional comedy, but above all a story of two peoples that consistently underestimated each other.

The Asante were themselves imperialists who had subdued their neighbors in a series of bloody campaigns until they ruled an area the size of Wyoming, containing three million people, many of whom they had enslaved. Slave-trading was well established in black Africa before the Europeans arrived, and the Asante were large-scale purveyors until Britain outlawed the trade early in the last century; they continued to exploit a large domestic slave population, most remarkably in their highly disciplined army.

What brought them into all-out war with Britain is a complex story. To simplify: at the end of the eighteenth century, mainly peaceful relations existed between the Asante inland empire and the European traders on the coast, among whom the British were dominant. Unfortunately, between Asante and the coast lived the Fante tribes, by all accounts an obnoxious people, who detested their Asante overlords, hampered their trade with the coast, and, being under British protection, were a constant source of friction. British–Asante clashes took place, in which the Africans more than held their own; in one of these the British governor literally lost his head, which the Asante carried off and used as a drinking cup, a compliment which the British failed to appreciate.

Thanks to the tact and intelligence of a later proconsul, George Maclean, who genuinely liked Africans, and to moderation on the Asante side, comparative tranquillity marked the middle years of the century, with only occasional hostilities. Then, in 1869, the Dutch followed the Danes in leaving the coast, and sold to Britain a city that the Asante claimed as their own. In 1872 an Asante army of eighty thousand marched south to enforce the claim; they were unsuccessful, but the British decided that the time had come to deal with the Asante in earnest, and Garnet Wolseley, the original of W. S. Gilbert's "model of a modern major-general," was given the job.

He set about it with characteristic energy, undeterred by the 150 miles of appalling jungle, hills, and fever-ridden swamp between the coast and Kumase, the Asante capital, or by his enemy's overwhelming numbers; he had only contempt for the African, as soldier or anything else. The Asante, for their part, thought little of the British or their superior weaponry; they believed that "the bush is stronger than the cannon." Both were wrong.

Wolseley's principal concern was disease, for which the "white man's grave" was notorious. He took elaborate precautions for the health and feeding of his troops, dosing them with quinine and laying down strict rules of hygiene; still, nearly three-quarters of his command suffered some debilitating illness, usually malaria, which was thought to be an airborne infection. Wisely he equipped his British regiments with drab homespun instead of their traditional red coats—much to the disgust of the Black Watch, who had to leave their kilts (but not their pipers) behind.

All told, Wolseley had about 2,500 fighting troops, more than half British regulars, a hand-picked staff and commanders, rockets, seven-pounder guns, and a retinue of war correspondents, among them H. M. Stanley, already famous for finding Livingstone, and the novelist G. A. Henty. After weeks of jungle-bashing they met and routed a vastly superior Asante army. Wolseley's men advanced in the traditional British square against an enemy invis-

Mr. Fraser's new novel, Flashman and the Angel of the Lord, *is just out from Knopf.*

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ible in the surrounding jungle; the Asante fought with great bravery, but their ancient muskets were effective only at close range, their marksmanship was dreadful, and they finally broke before the bayonets of the Black Watch.

Wolseley strolled through the battle, smoking, and noting with approval the coolness and accuracy with which Stanley ("a thoroughly good man") picked off the enemy. The battle lasted 12 hours; about three thousand Asante were killed for a British loss of only four dead and two hundred wounded. Three days later, having fought through ambushes and roadblocks, the Black Watch entered Kumase, three hundred Highlanders surrounded by thousands of armed Asante troops who offered no resistance, and crowds of townspeople who greeted them with cries of "Thank you," the only English words they knew—which, if it suggests a remarkable amiability on the part of the Asante, also speaks volumes for the civility of earlier British visitors. Next day the town was deserted; the Asante army had melted into the countryside.

That war ended with a treaty, a thumping fine (which was never paid), the blowing up of the king's stone palace, and the burning of Kumase town with its "place of vultures," where countless thousands of victims of ritual execution had been left to rot. It had indeed been, in Wolseley's words, a "most horrible war."

Twenty years later, after a period of civil strife and revolt within the Asante Empire, another British expedition reached Kumase, this time without fighting. The king was exiled, a British resident installed and protectorate established, and a strong fort built and garrisoned by Nigerian Hausas. But that was not the end of the Asante, who did not take kindly to British rule, and particularly to British attempts to find the Golden Stool, the symbol of Asante nationhood, which had been carefully hidden.

That search led to war, but not before one of those ludicrously British incidents reminiscent of a "Carry On" film. Two young British officers, searching for the stool, found themselves menaced by fifty armed Asante, and decided to show the stiff upper lip by having their servants give them afternoon tea on a portable table. The Asante watched spellbound as cups, saucers, milk, and a teapot were set out, and the officers calmly sat down on folding chairs. The Asante then opened fire, blowing the table and crockery to pieces; the Britons withdrew, slightly wounded.

There was nothing comic about the war that followed, with Kumase fort besieged; the garrison, reduced to eating rats and lizards, breaking out to safety but having to leave their wounded in the fort; and relief columns fighting their way in past jungle barricades which the Asante defended with fanatical courage. The revolt was put down and Asante was annexed to the British dominions; its conquering people had been conquered in turn, and neither victors nor vanquished could guess that within two generations of the Asante Empire's fall, the British Empire too would have passed into history.

Professor Edgerton tells his story clearly and fairly. He has none of the bias of those revisionists who view every white imperialist as a villain and every aborigine as a saint. As befits a distinguished anthropologist, he is a fine reporter on the social, political, and domestic customs of a remarkable people sophisticated beyond their place and time, and respected in British military memory with the Zulu and the Dervish. Stanley wrote that given two thousand Asante, Britain could have spread her power from the coast to Timbuktu; coming from him, there could be no higher compliment. □

The Sex Wars

MAGGIE GALLAGHER

SEXUAL liberals live in a special universe all their own. Take Nadine Strossen, president of the American Civil Liberties Union and self-proclaimed defender of pornography, a/k/a "sexual expression." In Nadine Strossen's America, a conspiracy of right-wing fundamentalists and anti-porn feminists poses "an unprecedented danger to sexual expression";

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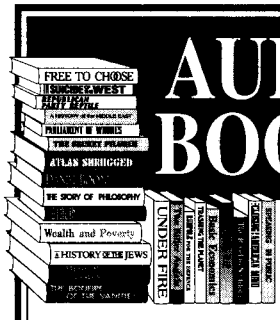

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Nadine Strossen's America is in the middle of "a full-fledged sex panic" in which artists, intellectuals, and women "are increasingly deterred" from fully exploring their own and other people's sexuality in words, pictures, and perhaps even deeds. In Nadine Strossen's America any attempt to exercise taste, prudence, or (ACLU forbid!) moral judgment in sexual matters is frightening evidence of the omnipresent sex "repression" that First Amendment fighters like her are only just holding at bay.

In the course of this overwrought portrait, Miss Strossen makes some just and penetrating observations about the absurdity of the current sexual-harassment and date-rape panic, especially on college campuses. In 1993, for example, the University of New Hampshire suspended English professor Donald Silva, and required him to undergo psychological counseling at his own expense, after female students complained that in lectures he employed such off-color metaphors as, "Belly dancing is like Jell-O on a plate, with a vibrator under the plate." The Chicago Theological Seminary disciplined professor Graydon Snyder for using an anecdote from the Talmud about a man who falls on top of a woman and accidentaly sexually violates her. Elsewhere, such as at the University of Minnesota, official definitions of sexual harassment may include such a vaguely outlined ideological crime as "callous insensitivity to the experience of women."

Defending Pornography: Free Speech, Sex, and the Fight for Women's Rights, by Nadine Strossen (Scribner's, 320 pp., $22)

Miss Strossen's argument would be a lot stronger if she had a more stringent definition of censorship. In her mind, if a school library decides not to stock books by Judy Blume, that's censorship. If a shopping mall in Illinois decides to remove a bust of the Venus de Milo, that's equally frightening evidence of a dangerous lack of regard for sexual expression. If public officials fail to fund, or remove from government walls, art the taxpayers find ugly or offensive, that's the end of sexual liberty as we know it. Everything from city officials' objection to an AIDS clinic's window display of a naked man wearing a condom to Middle American mall managers' refusing to be the proper custodians of high culture is to her a terrifying symbol of the resurgence of strict taboos.

This book would be stronger, too, if Miss Strossen showed more awareness that the "pornophobic feminists," as she labels Catharine MacKinnon, Andrea Dworkin, and their followers, have latched onto a piece of truth: sex has a dark side. Many women responded to Anita Hill's accusations, not on the merits of the case, but viscerally, with a deep personal aversion springing from their own experiences of sexual vulnerability. Miss Strossen, like other (what shall we call them?) pornophilic feminists, seems by contrast to believe that sexual expression is a good in itself—invariably a liberating, wholesome exchange of pleasure. Sex is so inherently harmless, we ought not to get so hot and bothered about the subject. The irony of course is that it is precisely to the desire to take a walk on the dark side that pornography owes its durable appeal. If sex were really as insipid as the sexual liberals try to tell us it is, there would be no accounting for its continuing popularity.

Prudence, as well as a decent respect for the indecent desires of mankind, compels us to accept that the fight against pornography was lost long ago—when Adam fell, and the printing press was invented. The goal in regulating pornography ought to be more modest: to find ways to prevent private vice from becoming the prevailing public standard of virtue.

Here, too, we fight a losing battle. For, as Miss Strossen points out, conservatives now routinely make the case against pornography (or for its toleration) not in our own language, but in strange new feminist tongues—outraged no longer on behalf of sexual virtue but only in defense of gender equality. It is a sign of how much ground we have lost, how little respect sex codes that originate in the Ten Commandments, as opposed to *The Second Sex*, are granted by the respectable women on either side of the current sex wars. □

Miss Gallagher will be starting a syndicated column this month.

FILM

Heroes on High

JOHN SIMON

SOMETHING epochal may have happened in the history of cinema: Jean-Jacques Annaud's ***Wings of Courage*** is the first dramatic film shot in IMAX 3D, and, to a considerable degree, it works. The plot of this 40-minute feature isn't much, but it is based on a true story and it is gripping. The Compagnie Générale Aéropostale was, circa 1930, the first ever to fly mail between France and a number of South American cities. In light planes with a single pilot—to be able to carry that much more mail—lives were being risked regularly in flights across the high Andes, often in foul weather. Among these fliers were the great ace Jean Mermoz and the writer Antoine de Saint-Exupéry. We see them recruiting another daring airman, Henri Guillaumet, to fly the Buenos Aires–Santiago de Chile route, while his young wife, Noëlle, patiently worries about him in their Buenos Aires hotel.

Almost the entire film concerns a flight in which storm and lightning bring down Henri's plane in the Cordilleras. The local saying has it that this means curtains: "The Andes don't give men back." Against overwhelming—and in 3D even more overpowering—odds, Henri makes it back. After several days of trekking, he is found, half-dead, by some gauchos. Ten days later, frostbite and all, he is flying again. The real-life Guillaumet was, like Mermoz and Saint-Exupéry, to perish in a crash; but that was later—in the movie we see the human spirit triumphant. And also the power of love: it was the thought of Noëlle that was Henri's compass, crampons, and rope.

Annaud has always been an innovative, resourceful filmmaker, whether

Mr. Simon is NR*'s film critic.*

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delivering a masterpiece such as *Black and White in Color* or daring the impossible in *Quest for Fire*. Here he and his co-scenarist, Alain Godard, dreamt up a visual refrain: they cross-cut from Henri struggling with the merciless mountains and weather to an ant dumped on the styrofoam model of a big, bleak mountain range. The hapless insect's dauntless determination is marvelously emblematic of Henri's predicament: a puny but intransigent will against an icy, vertiginously vertical wilderness.

The IMAX 3D process, which supplies not only the third dimension but also an immensely oversized screen and special sound, enhances the film exponentially. I doubt whether standard film could have conveyed the same immediacy, vastness, pitilessness: the same palpability of hurdles to overcome, the same disparity between the Cordilleran Goliath and the human David. When you can experience the steepness, coldness, cuttingness of those crags in their three-dimensionality, the effect is altogether different from seeing them framed by the conventional camera into pictures that could have been pressed in a book or hung on a wall.

It is hard to describe the exact technical achievement. But this is what it feels like: because the image stretches into a virtually real, three-dimensional infinity *before* you, you get to feel that this infinity is also *behind* you. Something more than the screen becomes three-dimensional—something around you or, perhaps more precisely, inside you. You are not only immersed in the third dimension, you are also invaded by it. When a piece of monstrous rock jumps up at you just in front, you can sense where, from behind your back, it came. It is not only the screen but the auditorium, too, that becomes three-dimensional; and with the auditorium, your way of thinking and, for the duration of the movie, this whole threatening world.

And, speaking of duration, the film's 40 minutes also become three-dimensional: they become three times what they are; not 40, but 120 minutes, which is to say the customary length of today's features. Yet this, too, with a difference: to experience two hours in two hours is one thing; to experience them in 40 minutes is quite another—thicker, richer, more awesome—thing.

Shooting in the new process, as Annaud explained to me, is incomparably more difficult than working in 2D. First of all, for technical reasons. The huge, cumbersome camera must always be mounted on a crane, even for simple indoor shots. It can hold only three minutes' worth of film, and takes very long to reload. This leaves the actors stranded for long stretches hanging from a real or an emotional cliff. The camera comes with a fish-eye lens that catches more than you want—even the tracks on the ground. Beyond that, though, the whole grammar of filmmaking had to be rethought and, as Annaud puts it, relearned from scratch. A shot can no longer be framed the old way, any more than a Rodin statue can be fitted into a picture frame. That venerable staple, the reverse angle shot, is practically impracticable, and the fact that the three-dimensionality decreases at a distance further complicates matters. So, too, does the need for helicopters to transport the monster camera. For Annaud to have shot most of the film in the Canadian Rockies is in itself a flabbergasting feat.

Craig Sheffer, who plays Henri, has to be manly and resolute and, except for physical prowess, not much else. This he delivers. As his wife, Elizabeth McGovern has mostly to worry and suffer in silence, something she handles better than words or action. Tom Hulce does not particularly suggest Saint-Ex to me, but does no active harm. Val Kilmer comes off best as Mermoz, but is around only briefly. The film belongs to the director and his technicians. I salute the intrepid cinematographer Robert Fraisse, the resourceful production designer Ian Thomas, and all the rest. And, of course, Annaud, who brings to the film a fourth dimension: his talent.

Is this the future of film? Who knows? Scoffers will duly scoff as they did at sound, color, and wide screen. On the other hand, Smellorama did not catch on—most movies manage to smell without it. But if the technology evolves, as it no doubt will, and the process becomes more manageable, a fair share of film is likely to be made in this mode. What worries me more is the future of theater, for that is what this kind of filmmaking, as Annaud

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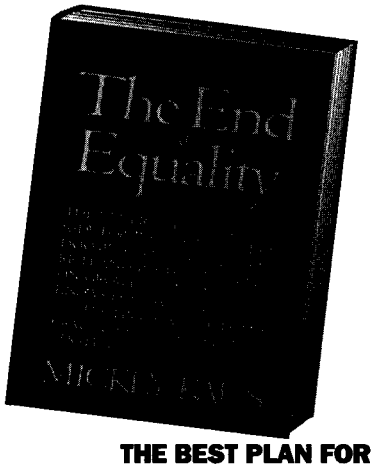

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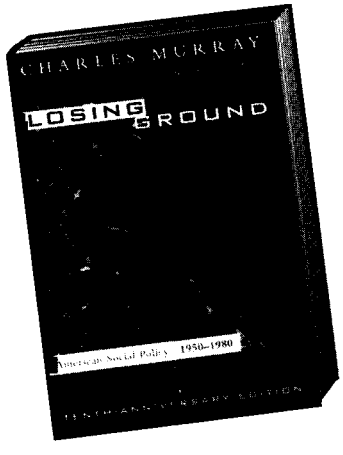

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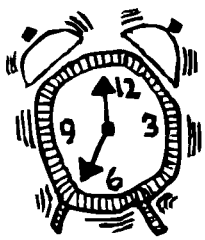
concurs, most resembles and potentially competes with.

■ From a leap into the future, to a dive into the past: the 134-minute ***Rob Roy*** is very much an updated (and not all that much updated) Errol Flynn picture. Well, yes, there is a graphic rape scene and some frolicsome conjugal groping under the kilt. Otherwise, you keep expecting Olivia de Havilland and Basil Rathbone to pop up any moment. They don't, of course, but their equivalents certainly do.



Obviously, any subject that was good enough for a novel by Sir Walter Scott is good enough for the movies; why so few of his fictions have been filmed remains a mystery. Nor is *this* movie based on his novel; rather, on a scenario by Alan Sharp, a much lesser Scot. I recall such annoying screenplays of his as those for *The Hired Hand* and especially *Night Moves*, not to mention his award-winning novel, the dreary *A Green Tree in Gedde*. He is, however, literate, and not the typical Hollywood dunderhead; for a historical adventure movie that may be enough.

Rob Roy is basically a British film, shot on location in Scotland; that is what saves it. First, the British actors, such as John Hurt as the nasty Montrose, Brian Cox as the Machiavellian Killearn, and Andrew Keir as the saturnine Argyll. Next, the gorgeous locations (I was tempted to write "lochations"), compellingly shot by the German cinematographer Karl Walter Lindenlaub in Eastmancolor. Put Scotland and good color photography together and you have a marriage made in Heaven. For it is not lush tropical locales that come off best on color film; they tend to look a bit gaudy, even stagey. But take the chaste, strikingly muted yet subtly varied colors of Scotland, and film becomes seemingly filmy, as if shot through a scrim, but also with a certain patina, or perhaps a sense of watercolors rather than oils, insinuating rather than aggressive. It is—I cannot avoid synaesthesia—incantatory on the eye.

Then, too, the stars. As the rebellious hero Robert Roy MacGregor, there is the dashing Irishman Liam Neeson, in kilts for the first time, something to thrill all lassies—the wee, the bonny, and even the Come Home kind. The man can act, too, and with his Herculean frame and doughtily asymmetrical face, he really spells INDOMITABLE. As the Scottish poet Maurice Lindsay wrote about a more famous colleague, "Only a Scot can know what you stand for, MacDiarmid," and this must be as true of Rob Roy MacGregor; but Neeson goes a long way toward explaining it to the rest of the world. Remarkably, too, Jessica Lange does nobly by his heroic wife, Mary, looking not at all like a Hollywood diva but like a spunky Highland lass; she even, more amazingly, manages to sound like one.

Carter Burwell has provided Scottish music of all kinds, arranged into a convincing though somewhat repetitious aural background; and the very bit players and authentic extras contribute handsomely to the epic sweep. Under Michael Caton-Jones's pawky direction, even Eric Stoltz manages to come across as a proper clansman. Only one thing jars. The villain, a British fop and swordsman played with wonderful loathsomeness by Tim Roth, is shown as a deadly fencer under his foppish exterior. Nevertheless, in the climactic duel, Roth is so puny compared to Neeson, you think the latter could have stretched out one bare, swordless arm and kept him at bay.

Otherwise, though, the film fulfills the modest expectations we have from the genre; perhaps even a wee bit more. I just wish it would not represent Scotland as a warm, sunny country; there is only so much disbelief a body can suspend. □

SOUND ON DISC

Ah, Baroque!

RALPH DE TOLEDANO

FOR SOME years there has been a great vogue for the Baroque, although some of the critical comment has resembled that wonderful *M*A*S*H* routine in which Radar sighs, "Ah, Bach!" Until Monteverdi, it was the accepted wisdom that music had reached its pinnacle, that it had become the *ars perfecta*, to be followed only by more of the same. Monteverdi created a revolution in technique, structure, and idiom. It is not stretching it to say he was the father of modern music, at a level perhaps with Beethoven, Berlioz, and Stravinsky. Before him was Palestrina, and after him Bach. Yet Bach could never have been Bach had he not been a product of the Monteverdian innovations which not only expanded the boundaries of music but also brought it a new depth of emotion and sensibility.

The Baroque, or Bach, revival began with Mendelssohn, but over many decades it has led to the rediscovery of Vivaldi, a composer almost as prolific as Bach, and others. In recent years, this revival has been spurred by the "early instruments" movement, which has given us a closer approximation of what music sounded like from the sixteenth century forward. (This has also given us *aperçus* on Haydn and Mozart, and opened up through the recordings of Paul Badura-Skoda many of the once "impossible" pages of the last Beethoven piano sonatas.) Yet "Baroque" is far from homogeneous. Palestrina moves along more or less on one level of meaning and involvement, and Bach never attained the musical depths and heights of Monteverdi. If this is heresy, so be it.

But there is corroboration in a number of new recordings, which I believe bear me out. *Baroque: Palestrina, Monteverdi, Choral Works* (EMI Classics) offers the Choir of King's College, Cambridge, the Early Music Consort of London, and resonant soloists, performing both Palestrina's *Missa Papae Marcelli* and extracts from Monteverdi's *Vespro della Beata Vergine*. The truncated version of the *Vespro* hardly compares with the full work, which some time back was issued by the New London Consort on l'Oiseau Lyre, though it contains the magnificent *Magnificat*. Yet it is sufficient to show how far Monteverdi had advanced both the *ars musica*, technically speaking, and the content of music, as well as its

Mr. Toledano's classic essay collection, Frontiers of Jazz, *has been reissued by Pelican Publishing in Gretna, Louisiana.*

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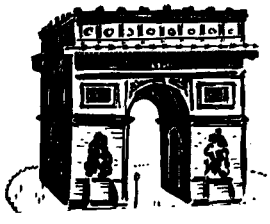
dark humors. If you listen closely you will hear distilled the voices that reverberate through the centuries down to our own times.

The emotion of Monteverdi, heightened by what you might almost call an inverted lyricism, compares interestingly with Bach's *Magnificat* (paired on an EMI CD with Handel's *Dixit Dominus*, performed by Andrew Parrott and the Taverner Players). For much as the joy that inheres in Bach's constructions holds us, the Monteverdi reaches deeper, aesthetically and religiously, into our mortal preoccupations. Again, it may be heretical to say this, but Bach seems more interested in structure than in any transcendent message. The greatness of Bach as a composer emerges much more clearly in such secular works as his D Minor Concerto for Two Violins, The Musical Offering, and the Brandenburg Concerto No. 2, which EMI has put together featuring Yehudi Menuhin and the Bath Festival Orchestra. Here the inventiveness and the sheer energy of Bach's genius speak for themselves and are spoken for by Menuhin, sounding new and exciting even though they have been heard so often.

The spirit of the late Baroque bursts out in Vivaldi's six Double Concertos for Violin and Flute. They receive an exciting reading by Isaac Stern and Jean-Pierre Rampal, two of the greatest on their respective instruments—though Stern should always be shown on video cassette so that the virtue and excellence of his playing can be emphasized visually by the faultlessness of his bowing and fingering. (As a fiddler manqué, I may be speaking for myself alone, but surely there is an aesthetic of visual instrumental excellence.) These Vivaldi concertos (on the Sony Classical label) are the product of the late Baroque at its very best. They have an Italianate fluidity which is not found in Bach—and they are done to a turn by Janos Rolla, leading the Franz Liszt Chamber Orchestra. Listening to them, I wonder how it is that in his own lifetime Vivaldi went into eclipse, his many hundreds of works virtually forgotten, until the Baroque revival of the 1950s and 1960s brought him back to prominence in concert hall and recording studio.

As a Baroque Special, EMI Classics gives us two settings of that great mystical and devotional poem, the *Stabat Mater* of the thirteenth-century monk Jacopone da Todi. It has captured the imagination of composers ever since then. Perhaps the most famous of these settings is by Giovanni Pergolesi, and deservedly so, for this deeply felt and delicately expressed song to the Virgin Mary, who stood by the Cross of the dying Jesus—a song completed when the 26-year-old composer was on his death-bed—was for centuries revered. The second setting is by the relatively forgotten Antonio Caldara—deeper and richer in texture, and more evocative in its darker hues. Musically, moreover, it is far more interesting, with its syncopations and its use of the diminished seventh—the "blue" note of jazz—particularly in the *Fac, ut portem Christi mortem* and the *Fac me plagis vulnerari*, in which the forward thrust of the syncope contributes paradoxically to the gravity.

■ To the Spanish, the *zarzuela* is considered a *género chico*—a little genre. Perhaps this is because, outside of the Spanish-speaking world, the *zarzuela* is virtually unknown. Yet since the mid nineteenth century it has been an important part of the musical and theatrical life of urban Spain. It carries with it some of the spirit of the French *opéra comique*, the operettas of Gilbert & Sullivan, and the American musical comedy, yet in a form that is indigenously Spanish, reflecting characteristic rhythms and melodies. It is in fact as Spanish as the musical comedy is American—each having its roots in popular music and spoken idiom and culture. Interestingly, its language as sung, although Castilian, lacks the lisped "z" and "c" (before "i" and "e") which entered the language at some period after the colonization of the Americas. The *zarzuela*, however, is not always comic, and this is attested to by Lecuona's tragic *Maria La O*, set in Cuba.



To give currency to the *zarzuela* in this country, Sony has packaged excerpts of *Doña Francisquita*, with synopsis and libretto, by the Catalan composer Amadeo Vives. Based on Lope de Vega's *La discreta enamorada*, and more polished than the usual *zarzuela*, it is an evocation of the roisterous and

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romantic life of an earlier Madrid—with a plot as zany and improbable as that of Mozart's *Così fan tutte*. Perhaps this delightful and tuneful *zarzuela* will be followed by others less sophisticated and thus closer to the *género chico*.

■ I have never been one for country music, whose notes I have found monotonous and whose lyrics are maudlin. Radney Foster's album *Labor of Love*, on Arista, avoids both those pitfalls. It is pleasant listening, and it makes me suspect that not all country music falls into the category of what we used to hear on Grand Ole Opry. Knowing almost nothing about those who make this music, I do not know where Radney Foster stands in the hierarchy of the genre or how typical he is of the better singers. His voice is pleasant and un-twangy and his lyrics for the most part intelligent. □

DELECTATIONS

The Myth of the Cookbook

DIGBY ANDERSON

COOKBOOK writers are always writing about how to cook dishes successfully. They show you a picture of a perfect-looking risotto, give you a recipe and some cooking guidance, and imply that if you only follow the recipe and guidance you too will produce a risotto like the one in the picture. Success is the rule. In fact, as those of us who are good cooks who have to eat in not so good cooks' homes know, success is not the rule. I've had stodgy risottos that tasted of nothing but rice. And the same goes for any dish from *coq au vin* to fried eggs. Terrible things happen. You'd think cookbook writers would be interested in finding the commonest causes of failure. One reason they aren't is that it would spoil their lucrative game. For it turns out that failure usually happens from believing the cookbook writers' myth that the answer to everything is following recipes and reading their books. Behind this is a more general lie, which is that cooking is the crucial thing.

This is wrong. Shopping is the crucial thing. Rooting around the horrid risottos with a fork to try to find the cause of the disaster, what one finds is that the cook has bought the wrong sort of rice or the wrong quality of rice. The reason Jaqui's *coq au vin* was a mush was that the *coq* was not an adult farmyard animal that had eaten insects, scraps, and minerals—for which the recipe was designed—but a teenager or even a child maybe as little as a couple of months old. Moreover the child had never eaten much except pap. It consequently not only tasted of pap but behaved like pap when soaked in wine and given a couple of hours' heat. You cannot make *coq au vin* with such a bird. No, no, not even with a special recipe. All the recipes in the world won't help you. You might be able to contrive something but it won't be *coq au vin*. No, I said. For once in your life shut up and face the truth. If you can't or won't find the bird necessary, you can't do the dish.

Why did Peter's salmon mousse taste of nothing? He followed the recipe and it looked, in this case, just like the picture in the glossy book. But the fish had no taste when he bought it. Tasteless ingredients are one of the main causes of failure, especially tasteless ingredients that look attractive. How many tomato salads have been ruined by using tomatoes that have never seen good rich earth? No amount of basil, olive oil, or wine vinegar will compensate. Another main cause of failure is water. The tomato may have flavor but it may be a watery variety. That will kill any dressing. How many times has one watched in amusement and pity as a cook tried to fry once-frozen, small calamari. The Californian ones especially seem like nothing so much as an incontinent child. The moment they are tucked up in the nice warm oil, they spray out gallons of water. So does much bacon. At least the calamari water is mostly water. The bacon water contains various minerals and additives which stick to the pan, thus subverting anyone who tries subsequently to fry an egg in the fat. The egg sticks and breaks. Egg dishes are always described as easy by cookbook writers. In fact most of them depend on eggs coming from free-range chickens, the wives of the *coqs* needed for *coq au vin*. They must also be fresh. More amusement and pity are needed when watching someone trying to fry three stale eggs in a smallish frying pan. They would fit if fresh. They should have their yolks sitting proud and high and their whites hugging tightly around the yolks in a protective sort of way. One really stale egg will fill a small frying pan.

Bad substitutes ruin otherwise successful dishes. I had pasta recently with a meat and tomato sauce. The cook had done the pasta well and the sauce was made with fresh tomatoes and was quite good. Or it would have been. Very reasonably she had thought it a good idea to add a few capers. Very reasonably she had either not known what was wanted was salted capers or had not bothered to get them. She used capers in vinegar. They ruined the whole dish. Pints of the sauce and heaps of pasta were left untouched by guests at the table. If you are doing pasta with four cheeses, it is not okay to substitute for four very different and excellent Italian cheeses, four of American cheeses which all taste the same and very unpleasant, too.

The simplest dishes are ruined more drastically than cuisined ones when a wrong ingredient is used. It shows more. There are few things worse than a potato salad made with the wrong variety of potatoes, one which instead of being firm and waxy, is soft and crumbly and when confronted with dressing absorbs it and collapses into a porridge.

So the message is simple. If you are not willing to put as much expertise, effort, and practice into shopping as cooking, give up both. And if you are unfortunate enough to live somewhere where you can't get fresh eggs, proper chickens, and fleshy, tasty tomatoes even with effort, then stop whining. Move house to somewhere you can. After all, you are supposed to be a nation of enterprising immigrants. If you will move thousands of miles for your pocket, why not a few hundred for your stomach? □

Mr. Anderson is the editor of The Loss of Virtue, *which has been released in paperback.*

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BOOKS IN BRIEF

Our Game, by John le Carré (Knopf, 302 pp., $24)

THE plot, laid bare, could be outlined on a postcard, but mustn't be, because the intricacy of its unfolding, the carefully paced revelations, are what make le Carré's apparently complex novels absorbing. The narrator—indeed the hero, since he's brave and resourceful—a prematurely retired officer in Britain's Secret Intelligence Service, falls under suspicion when his best agent, a former schoolfellow, disappears. Gone too is the hero's girlfriend. He knows more than, at first, he reveals either to the police or to the reader, and eventually finds himself, at once hunter and hunted, on a frightening trail which leads from rural England to the wild, war-torn mountains of the Caucasus. This is vintage le Carré adapted to the new struggles following the collapse of the Soviet Union. The familiar features remain: details of a spy's craft and his disillusionment with the trade of spying; painful reflections on loyalty and betrayal; manifest sophistication; excellent prose ("The rain had ceased, leaving a pall of ground mist that made autumn bonfires of the Peugeot's headlights"). The trouble, also inherent in all le Carré's work, is that the reader, like the narrator, is left with no firm ground, no cause worth fighting for, only nothingness at the rainbow's end; which, in literature as in life, is ultimately dissatisfying. Meanwhile, though, it's a very good story. —ANTHONY LEJEUNE

Against the Grain: The New Criterion *on Art and Intellect at the End of the Twentieth Century, edited by Hilton Kramer and Roger Kimball (Ivan R. Dee, 480 pp., $35)*

THE TEMPTATION to be a curmudgeon is hard to withstand. When a drama critic encounters a "Gay Fantasia" or an art critic encounters an exhibition of soiled teddy bears—indeed when anyone trained in anything encounters the self-congratulatory work of someone trained in nothing—it is very difficult to resist the temptation to lay back one's ears and bray. But *The New Criterion*—possibly America's most distinguished intellectual journal—has succeeded since 1982 not merely in deriding puerility but also in promoting work held to a higher standard. Ranging from Hilton Kramer on the art museum to Joseph Epstein on Henry James, from Samuel Lipman on classical music to David Frum on John Maynard Keynes, the 45 essays from *The New Criterion* republished here are intelligent, witty, and grown-up—which remains the best answer to the protracted adolescence that too often passes for contemporary art and thought. —J. BOTTUM

How "Natives" Think: About Captain Cook, for Example, by Marshall Sahlins (Chicago, 301 pp., $24.95)

ACADEMIC blood sport at its finest! Distinguished anthropologist and Polynesian ethnohistorian Marshall Sahlins provides a spirited defense of his thesis that Hawaiians considered Captain Cook to be their god Lono. In his acclaimed book, *The Apotheosis of Captain Cook*, Gananath Obeyesekere, also an anthropologist of distinction (but not a scholar known for his interest in Polynesia), accused Sahlins of a selective use of historical materials to support his claim that Hawaiians thought Cook was a god, not merely a powerful "chief" whom they sought as an ally, as Obeyesekere would have it. The idea that Hawaiians saw Cook as a god, Obeyesekere insists, was an obvious form of arrogant ethnocentrism on the part of European imperialists, and especially their Christian missionaries. Sahlins indignantly responds by accusing Obeyesekere of being ignorant of Hawaiian concepts of divinity and of claiming that his status as a "native" (of Sri Lanka) somehow privileges him to know how very different "natives" thought. *Inter alia*, he accuses Obeyesekere of distortions, misrepresentations, fictions, and false accusations in support of his thesis that the Hawaiians and other "natives" were much too rational to think of Cook or any other European as a god. Sahlins's no-holds-barred response to Obeyesekere is good entertainment, but more than that it is a serious contribution to the ongoing debate about how anthropologists purport to know how "natives" think. Readers who have very little interest in what anthropologists wrangle about will nonetheless find this book a masterly introduction to the fascinating world of native Hawaiians as it was when the first Europeans made contact with it. —ROBERT B. EDGERTON

Robert E. Lee, by Emory M. Thomas (Norton, 449 pp., $30)

WHAT more is there to say about Robert E. Lee? Douglas Southall Freeman helped turn Lee into a secular saint with his Pulitzer Prize–winning biography; more recent authors, such as Alan T. Nolan, have labored, with only modest success, to diminish Lee's reputation. Thomas does neither. He is an admirer: "Lee was a great person, not so much because of what he did (although his accomplishments were extraordinary); he was great because of the way he lived, because of what he was." But Thomas goes on to search for the real Lee—the human being who actually lived. What he discovers is a figure of enormous complexity. Lee was sometimes judgmental toward his wife and children in his letters, but demonstrated his deep love for them in person. He was shy, but became a mythic public figure. He was a unionist, but opposed invading the seceding states. He was unrepentant about his Confederate service, but promoted reconciliation after the Civil War. Thomas succeeds admirably in helping us understand one of the truly great men of American history. Even after reading *Robert E. Lee*, however, we probably still don't see Lee "whole," as Thomas intends. But then, Lee may never have really understood himself. As he admitted near the end of his life, this man who had achieved so much was "always wanting something."

—DOUG BANDOW

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REYNOLDS

(Continued from page 59)

been obtained illegally, on a case-by-case basis. The remaining states, either through statute or through appellate-court decisions, emulated federal suppression. Advocates of quashing had succeeded in twenty states during the 1920s, usually as a device to soften the impact of Prohibition.

Not only does the exclusionary rule have a wholly suspicious origin—the twentieth-century federal judiciary—but it defies common sense and lacks empirical evidence in its favor. As former Chief Justice Warren Burger points out, "There is no empirical evidence to support the claim that the rule actually deters illegal conduct of law-enforcement officials." The exclusionary rule remains unique to American jurisprudence. Our celebrated civil-libertarian neighbor to the north, for example, relies on the tort system to correct overzealous police searches and compensate victims.

Like the rest of the Warren Court revolution, the rule excluding illegally obtained evidence makes so little sense that the courts and Congress have tried steadily to narrow its application. Yet allowing an exception to the exclusionary rule for evidence seized illegally but in good faith is a defective cure. It allows police officers to blunder in good faith again and again. Government agents now routinely conduct unconstitutional searches and seizures with impunity.

Expanding the legal liability of police departments and setting up compensation funds for money damages would make the police respect constitutional liberties and avoid illegal searches and seizures for which they might be sued.

The exclusionary rule has benefits only in the eyes of those who judge laws strictly by their intentions rather than their actual effects. The rule offers no civil-liberties benefits, only social cost. It artificially impedes justice by freeing at least 20,000 criminals each year. Statistical studies show that exclusionary rules, all else equal, are associated with a 15 per cent increase in crime rates. The Warren Court has the blood of thousands of crime victims on its hands.

While most policemen honestly try to follow Fourth Amendment directives, current law is so tortured that even experienced lawyers and judges do not know if particular searches will be upheld by the courts. The exclusionary rule has done more to undermine the Fourth Amendment than to protect it. As District of Columbia Circuit Judge Malcolm Wilkey once wrote: "If one were diabolically to attempt to invent a device designed slowly to undermine the substantive reach of the Fourth Amendment, it would be hard to do better than the exclusionary rule."

The exclusionary rule makes it more difficult to convict the guilty, including police officers who commit crimes. The rule makes it easy for corrupt cops to protect favored criminals from prosecution by simply making an illegal seizure.

The exclusionary rule dooms many criminal prosecutions. Prosecutors have limited budgets and avoid prosecuting cases with serious search and seizure problems. Their reasoning: Why risk a prolonged struggle over the technicalities of the exclusionary rule?

The exclusionary rule does not punish overzealous or criminal police conduct because officers and police departments are typically rated on overall arrest clearance rates rather than conviction rates. The police practices attacked by the courts have increased since the do-good rule was imposed nationwide in 1961.

The irony of the exclusionary rule is that the public, not the culpable police, bears the costs of freeing the guilty criminals. Considering the liberal sociological view that "society" is to blame for crime rather than the criminal, this is an ironic success for this theory of justice. Under exclusion of evidence, the criminal freed on a technicality is free to punish society again.

Rather than trying to "gut" the exclusionary rule through good-faith exceptions, it would be better to repeal it in a straightforward way. Montesquieu wrote, "We must not separate the Laws from the End for which they were made." The courts have lost their way, and both they and the public know it. However, the corrective efforts to date, including the Republican expansion of the good-faith exception, are misguided. Let's start over. At least allow federalism: let the state legislatures and courts decide whether they want to retain the exclusionary rule or substitute more rational means to make the police respect constitutional liberties. □

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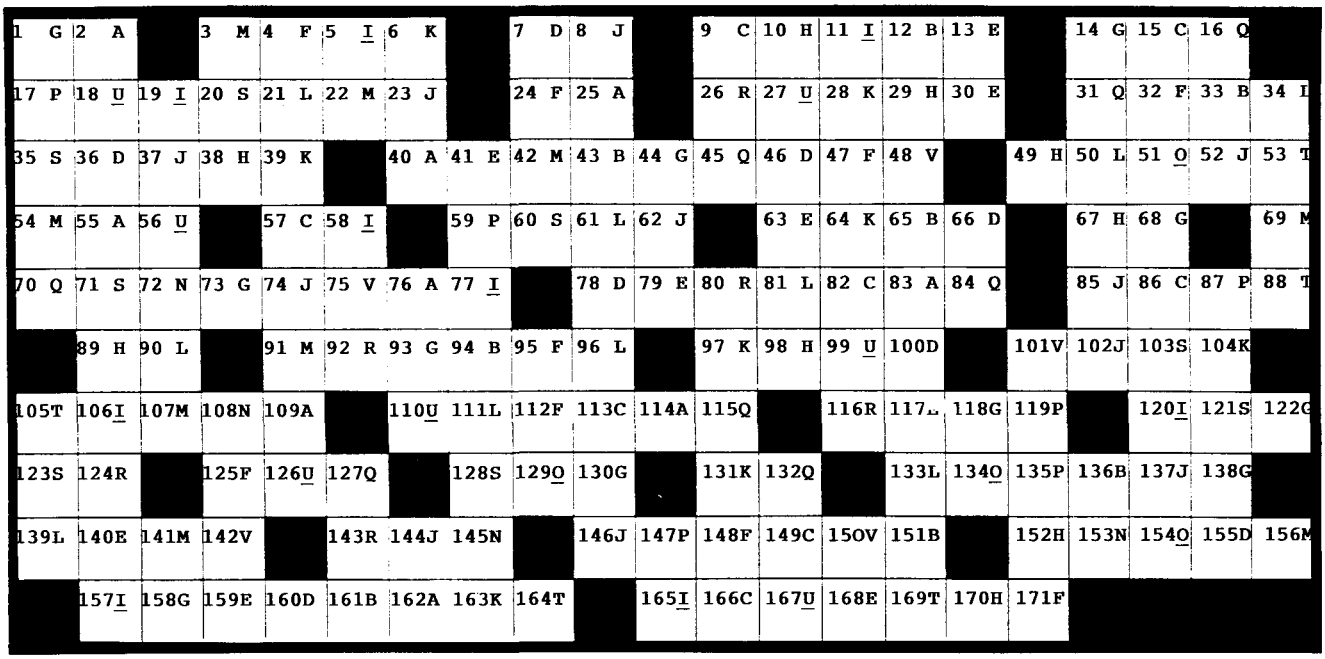
TRANS-O-GRAM / Kem Putney



DEFINITIONS

A. Old-style retaining wall — 109 83 114 25 76 55 2 162 40

B. Talent — 136 43 33 161 65 12 151 94

C. Like Adonis — 113 149 166 57 86 9 15 82

D. Nighttime driver's aid (2 words) — 100 46 78 36 155 160 66 7

E. Possession by right — 117 63 30 41 79 13 140 159 168

F. Novel-sounding mid-Atlantic state — 95 112 24 125 171 47 32 4 148

G. Under tyranny — 138 44 1 118 93 158 14 130 73 122 68

H. Health club? — 38 89 29 67 152 170 98 10 49

I. Awakening kitchen appliance — 11 157 106 19 77 5 165 58 120

J. Debts — 102 146 62 37 52 144 85 74 8 137 23

K. Cheapskate — 97 64 104 39 28 131 163 6

L. Like the shabby tailor — 139 111 50 133 34 96 81 61 21 90

M. Give a pink slip to — 107 91 156 42 69 3 54 22 141

N. Present — 153 108 145 72

O. Nebraska senator — 154 134 51 129

P. Rhyming Carolina river (2 words) — 135 147 119 59 87 17

Q. Recall — 45 132 84 31 70 127 115 16

R. City of dreaming spires — 80 92 143 26 124 116

S. A "hip" Central European? — 35 20 121 60 71 123 128 103

T. Navigational device — 164 169 53 105 88

U. Attempts — 99 27 18 126 167 110 56

V. Macho — 142 75 150 101 48

DIRECTIONS

The object of TRANS-O-GRAM is to fill in the puzzle diagram by guessing the words from their definitions, and transferring each letter of the guessed word to the correspondingly numbered square in the diagram. When the diagram is filled in it will spell out a quotation from some published work (reading normally from left to right, black boxes indicating the ends of words); also, when the words have all been filled in above, their initial letters will spell out the author and title of the quoted work. The acrostic feature, and the relative word-lengths in the diagram, will assist in the solution. Spelling and definitions on the authority of *Webster's Deluxe Unabridged Dictionary*, Second Edition.

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What if Ho Chi Minh Had Written a Book?

NEW YORK, APRIL 18

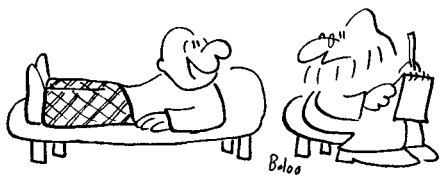
It isn't obvious why Robert McNamara wrote his book on Vietnam. Everywhere one sees quoted the reason he gave, which can't however be the real reason because the book hardly fulfills its ostensible mandate. McNamara decided to write because he had "grown sick at heart witnessing the cynicism and even contempt with which so many people view our political institutions." But if your purpose is to restore faith in law and order you don't write a book about the prevalence of crime. Precisely what Mr. McNamara does not do is engender faith in our political institutions.

If these institutions were wholesome and effective, then we'd have got out of Vietnam by the orderly workings of the ballot box. But that wasn't what happened. The last time the American people can be said to have voted on the question was in 1968, and at that time the Democratic wing of U.S. politics overrode the pacifist wing when at the Chicago Convention candidate Hubert Humphrey smashed the resolution associated with Senator George McGovern, to back down on the war. And in November Richard Nixon was elected on a Victory-in-Vietnam platform. What brought on the end of the war included 1) the failure to make critical military progress in Vietnam (correctly recorded by author McNamara), 2) the consolidated resistance of cultural America, and 3) the total distraction of government by Watergate. Nothing in Mr. McNamara's book can bring about a rejuvenation of republican institutions. Far from it: if institutions are humming nicely in overdrive, you don't need a sudden autopsy on a corpse dead 25 years.

McNamara tells us that we should have known the great realities of the Vietnam theater. They were that Ho Chi Minh's armed revolt was not a Communist salient, but was merely an expression of nationalism, perhaps to be compared with Nelson Mandela's association with Communism, which turned out to be transitory and opportunistic. And why did we misread the signals? If you can stand it, because of Senator Joe McCarthy. McNamara cites as casualties of McCarthyism John Carter Vincent and John Stewart Service, who if they had been around might have trained the State Department's vision on the indigenous quality of Asian Communism, not seriously related to the struggle for the world. But of course the line in the late Forties, adopted by such as Vincent and Owen Lattimore, was that the revolution headed up by Mao Tse-tung was nothing truly more than a democratic flareup led by an agrarian reformer.

McNamara goes so far as to inform us that it was "highly probable" that President Kennedy would have had us out of Vietnam if he had lived. Those who seek an understanding of Kennedy's view of Vietnam can learn from his intervention in Mr. McNamara's Department of Defense. JFK threw out the ghost-written boilerplate designed for those whose loved ones were casualties in Vietnam and himself wrote to the sister of a casualty: "Americans are in Vietnam because we have determined that this country must not fall under Communist domination. It is also apparent that the Communist attempt to take over Vietnam is only part of a larger plan for bringing the entire area of Southeast Asia under their domination. . . . Your brother was in Vietnam because the threat to the Vietnamese people is, in the long run, a threat to the Free World community, and ultimately a threat to us. . . ."

That sounds most awfully alarmist, six comfortable years after the Berlin Wall came down. But between the time JFK wrote those words and the liberation of Eastern Europe, one-third of the people in Cambodia were killed, untold millions of Chinese died on one of the mini-altars of Mao's Communism, and the free world stood nuclear watch day and night until, finally, the Soviet Union imploded.



"Sure, I can learn to accept things as they are. . . . How are they?"

It is a terrible pity that Mr. McNamara, in his quixotic attempt to restore faith in democratic institutions, should instead rub salt in tender memories. Much more welcome, in A.D. 1995, would be the revelation of a book by Ho Chi Minh, disclosed to the world by a son or grandson, acknowledging that South Vietnamese power, backed by the U.S. military, very nearly toppled the Communist revolution; that if the Christmas bombing in 1972 had been followed by a modestly manned invasion of Hanoi by the South Vietnamese, backed by the U.S. military, Ho's heirs would have had to fly the coop and mend their sores in Peking. Among other things, we'd have been spared McNamara's book. □

Reaction Time: The Tax Cut

NEW YORK, APRIL 7

Let us attempt a simple exercise.

—Congress reduces taxes by 1 per cent.

That would appear to be a straightforward piece of legislation, unmotivated by special-interest wheeling and dealing: 1 per cent across the board doesn't sound like class legislation, does it?

But the news reports the morning after the vote read, "Yesterday's congressional income-tax cuts will mean the following:

—If your tax was $100, the benefit to you will be $1.

—If your tax was $1 million, the benefit to you will be $10,000."

Then you get to quote pained congressmen. The pick of the lot was Joe Moakley (D., Mass.). He was anxious to explain everything that had happened. For 92 days, he told his constituents, Republicans had finally succeeded in their aims. They had "gutted school lunches, home heating assistance, and student loans." Why would Republicans do that? Mr. Moakley explains. "To pay for tax cuts for rich Americans. From the mouths of babes to the pockets of billionaires."

Gee whiz, that's awful, isn't it? But I mean, you can't argue with the figures, can you? At the low end of the spectrum you have taxpayers who are going to get $1 of relief. At the other end, taxpayers who are going to get $10,000 of relief. Something should be done about that. Maybe we just shouldn't allow anyone to be rich. Wouldn't that save a lot of what we've been going through?

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Congressman Moakley, one must suppose, has a heavy stake in American illiteracy. We learn from a poll that 47 per cent of Americans have never heard of the Contract. Well, okay. But what if you put to them the particulars of the Contract with America? That is a very good device. It was used effectively in 1950 by Senator Robert Taft. He had been denounced by organized labor as the author of the "slave labor act." That was the name given by the AFL-CIO to the Taft–Hartley Act, which for instance required that strike votes be taken by secret ballot. The Taft re-election committee took the ten provisions of Taft–Hartley and polled labor-union members in Ohio. To the consternation of labor-union officials, 85 per cent approved of the constituent articles in the "slave labor act." Taft breezed in to re-election.

This year, when asked whether government can afford to cut taxes, 55 per cent of Americans polled said, No, not now. A next question was, "Do you approve of the $500 credit per child for families with children?" Answer: Well, yes—78 per cent. But the total tax cuts voted on Wednesday added up to $189 billion over five years, and $105 billion of that figure is going precisely for those $500 cuts per family per child.

The top 1 per cent of U.S. taxpayers are now paying 28 per cent of all federal income taxes. But under the proposed legislation, they will receive only 20 per cent of the tax reduction. They are, then, disproportionately victimized. Meanwhile, the middle brackets ($30,000 to $45,000) will see their share of tax payments fall from 9.6 per cent to 9.2 per cent. The net effect of Mr. Gingrich's bill is therefore progressive.

But listen to how it is played, for instance in the *New York Times*. This is from a straight news story describing the tax bill. ". . . taxpayers earning $200,000 would get an average break of $11,266 annually, while a $30,000-a-year family would net a paltry $124 a year." Paltry? "Wretched, or contemptible," the dictionary defines the word.

The perspectives are terribly out of focus. If you want to say that an income of $30,000 is paltry, that is a coherent statement, never mind that $30,000 is approximately 50 per cent above the average income in America. But to editorialize that a reduction in tax of whatever size is paltry is to plant the axiom of such as Congressman Moakley, which cannot be parsed unless it is telling us that we should repeal the Fourteenth Amendment, which calls for equal treatment under the law.

One wonders whether Senator D'Amato knows how to do an imitation of Congressman Moakley, or is that something that exceeds anybody's histrionic powers? □

The Golden Egg of Judicial Liberalism

NEW YORK, APRIL 11

In the hiatus of the Simpson trial the awful possibility is rumored and indeed published, e.g., in a dispatch by David Margolick for the *New York Times*. "Mrs. Harris's statements have fed expectations among many criminal defense lawyers that the prosecution will fail to prove its case, at least before this jury and perhaps before any. They also say that as long as he can afford top-flight counsel, Mr. Simpson eventually could well go free whether or not he committed the crime." This suggestion—hire ten top-flight lawyers and go free—dismays a society concerned with effective justice. It surely appalls the families of Nicole Brown Simpson and Ronald Goldman. And reminds us forcefully that the justice system is terribly awry.

On September 6, 1901, President McKinley was assassinated. On October 29, 1901—seven weeks later—Leon Czolgosz, the assassin, was executed. It is not recorded that he was unfairly tried.

Twenty years ago Justice James McNally, a retiring appellate judge in New York, observed that it took nine to ten times as long to try a case as it had done when he first sat as a judge 25 years earlier. In the year 1900, the population of Manhattan was 1,900,000 and there were, to take care of malefactors, six felony judges. Today the population of the borough is reduced to 1,500,000 and there are 50 felony judges—and they are behind in their work.

The temptation is to focus on the O.J. trial by dwelling on its ambiguities. Mrs. Harris, the discharged juror, told reporters that the prosecution's case was "a whole lot of nothing." Sure, one can dismiss her by saying she is caught up in tribal loyalties that call for disregarding evidence, any evidence. But the dispatch of Mr. Margolick tells us that there is "a growing sense among legal experts that the case was hurtling toward inconclusiveness." To permit one's mind to travel in that direction is to gave way to epistemological helplessness. It is to say: Nothing can be proved by circumstantial evidence.

It is said over and over again but promptly forgotten, namely that most convictions are based on circumstantial evidence. Leon Czolgosz was seen by a lot of people when he shot McKinley, but nobody saw Lee Harvey Oswald shoot President Kennedy, and Oswald was as surely the assassin as Czolgosz. What the juror considers a whole lot of nothing is Simpson's record of violent rage against one of the victims, the absence of an alibi, and knowledge from the prosecutor's opening statement that blood samples of the killer and of the two victims positively identify the killer.

Now when evidence that abundant leads not to a quick, orderly conviction, but to consternation appropriate to an inquiry over the meaning of the Aztec calendar stone, then something is wrong. Justice is not served by the assumption that a dozen pricey lawyers can defy justice. Last week the president of the American Civil Liberties Union declared passionately to a large audience that the pity of it is that everyone on trial cannot afford such a legal team as O.J. has got himself. I cannot understand that statement by Mrs. Nadine Strossen to mean anything less than that all felony trials should use up six months and employ ten lawyers and, if the projections above are confirmed, lead to exoneration.

More than a hundred years ago John Stuart Mill saw what the adversary system was heading toward. "[People] speak and act as if they regarded a criminal trial as a sort of game, partly of chance, partly of skill, in which the proper end to be aimed at is not that the truth may be discovered, but that both parties may have fair play; in a word, that whether a guilty person should be acquitted or punished may be, as near as possible, an even chance."

The long string of decisions by the Warren Court enhancing the rights of the accused (*Mallory*, *Mapp*, *Gideon*, *Escobedo*, *Massiah*, *Miranda*) buttress the idea of a trial as a game. Mr. Miranda, having been acquitted, resumed his occupation as a rapist and finally confessed. Judge Laurence Wren, who presided over the second trial, reminisced that "When the verdict was finally in, I suddenly realized, with complete amazement and disgust, that we had not dealt at all during the nine-day trial with the basic question of guilt or innocence."

It is being predicted, to the horror of defense attorneys, that there will be a public backlash if O.J. is sprung. One attorney lamented that, "unfortunately, the public will see this as the jury system failing rather than succeeding." Yes. What we need is a jury that can bring Mrs. Simpson back to life. □

(Universal Press Syndicate)

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A Brown Thought in a Brown Shade

A COUPLE of winters ago I moved my family from the city to the suburbs, and one thing I didn't expect from them (the suburbs, I mean) was the smell of manure. It is ubiquitous at this time of year, omnipresent, suffusive, like the ether. Of course there are delights in suburban living at springtime: the green traces of trees, the shafts of sunlight passing through the dogwood, the frolic of furry animals and the chirping of flighty birds. You know. The innocent laughter of children at play. And everywhere the stench of the barnyard.

A less dyspeptic, or perhaps a more peptic, suburbanite than I would breathe deep of the aroma and sense in it the fecundity of the earth, the eternal cycle of death and rebirth, the whole load of hogwash from *The Lion King*. What I smell, however, is the stink of human competition. Life in the suburbs, seen clearly, is an eternal cycle of oneupsmanship. It is a bloodless contest played out on the lawns and in the flower beds. Early of a Saturday morning another round begins. The homeowners emerge from their front doors to survey the length of the street. The questions are cruel, pitiless. Whose lawn shimmers most luminously? Whose azaleas explode most spectacularly? Whose beds of shrubbery heave and swell with the most aromatic fertilizer? The grass, goes the saying, is always greener on the other side of the fence. In real life, this is a toothless cliché. In the suburbs it is an accusation, an expression of contempt.

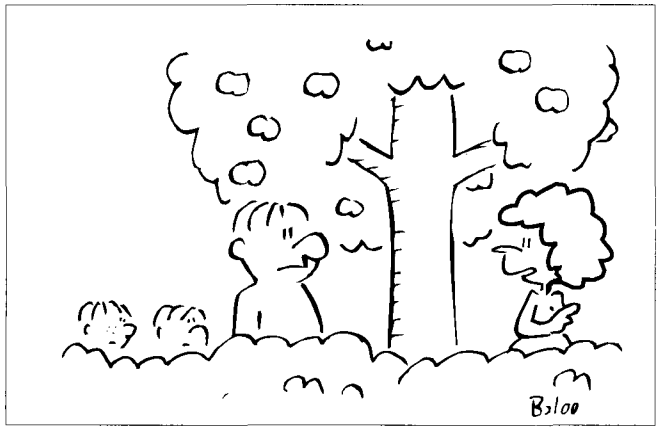
I sound bitter—as you would, too, if you had my lawn. There are few fences on whose other side the grass is not greener than mine, and absolutely none in my neighborhood. The sweet old couple who sold us the house had over the years taken great pains with their garden. From early spring through late fall it is a riot of colorful perennials—so impressive that when we moved in my wife said confidently, "It will take you *years* to kill all those beautiful flowers." But the sweet old couple were also vigorous leftists (I spent half a day removing the "Free South Africa" paraphernalia from the walls of their upstairs office) and as such they were somewhat faddish in their approach to lawn care. Beginning in the late Eighties, the hottest fad among such enthusiasts has been the "natural lawn"—a rebellion against the suffocating conformity of the Eisenhower years, when the "natural lawn" was known as "crabgrass." Which is what I inherited from the sweet old couple: crabgrass, without, alas, the ideology that transforms it from a weed into a precious gesture of Mother Earth.

Being leftists, the previous owners didn't care what the neighbors might say; they were too busy freeing South Africa to become ensnared in the trivialities of suburban oneupsmanship. I, however, am just shallow enough to worry. Besides, South Africa *is* free. So when we took possession of the house I did what any new homeowner might do, faced with a lawn overrun by crabgrass and stinkweed and dandelions, and suffering the disdainful once-overs of disgusted neighbors. I went to the bookstore, bought several books on the lawn beautiful, took them home, cracked them open, and read them, serial fashion, for 15 minutes until I got bored and turned on the TV. Then I took a nap.

And here, two years later, is where matters yet stand. Across the street the neighbor I will call Mr. Perfect has begun his seasonal ministrations. These include, but are not limited to, watering, fertilizing, weeding, aerating, dethatching, and applying in finely calibrated quantities a variety of what I take to be grass steroids. I have actually seen him on his hands and knees, scrutinizing his grass. When he does so, fanny pointing heavenward, he lifts his glasses, the better to see his handiwork. He mows constantly, after ratcheting the blade to the proper height, for apparently grass, to be flawless, must vary its length according to the season. And he mows diagonally, so that each path of the mower ever so slightly overlaps the one next to it. The result is something out of Augusta National, without (thank God) the golfers: a sea of emerald green, the prize of the neighborhood, the realization of the suburban ideal. I have never spoken to Mr. Perfect, but I have dreamed of his slow, painful death.

AND what must Mr. Perfect think of me? To the city-dweller I once was, this would have seemed a petty question. In an apartment building you judge your neighbors by essential questions, such as whether they play "Get Your Ya-Yas Out" at 2 A.M. Here in the suburbs the questions range over a wider field of behavior. It is still the land of Cheever and Updike and DeVries, a court of harsh and unremitting judgments. And as a conservative, of course, I heartily approve of suffocating conformity. But—again as a conservative—I just assumed conformity would never require any exertions on my part. Certainly I never thought it would require bending over the dirt, excavating unpleasant plant life, hauling bags of animal excrement, digging into, well, *dirt*. This—let right-wingers be warned—is how radicals are born.

—ANDREW FERGUSON



"I'll be back later—don't let Cain and Abel run around barefoot."

Mr. Ferguson is a senior writer for The Washingtonian.

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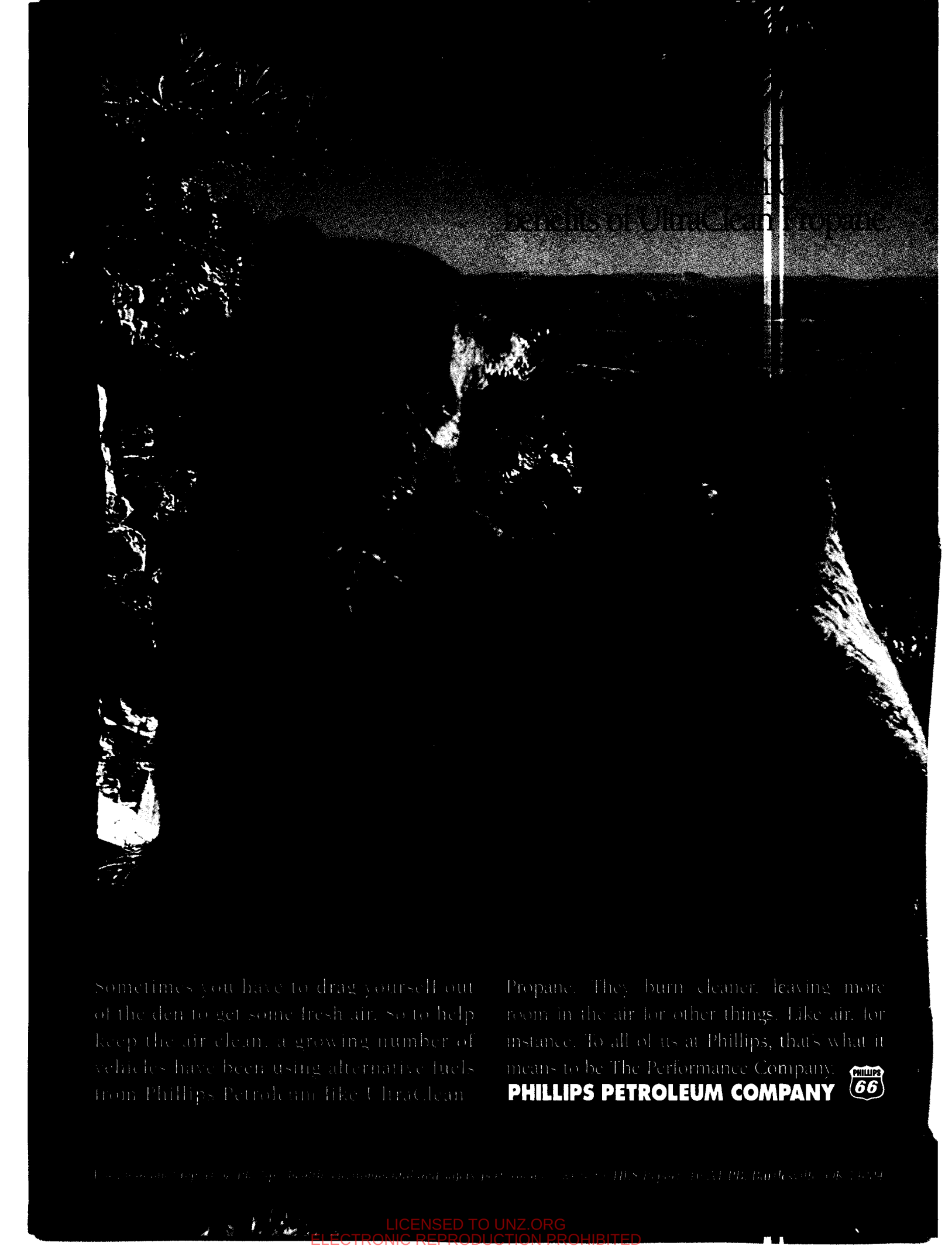

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